

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1424 of 1992

Prabodh Maheshwari

.... Petitioner

Versus

Union of India and Ors

..... Respondents

CORAM:HON'BLE MR. JUSTICE R.K. VARMA, V.C.

(By Hon. Mr. Justice R.K. Varma, V.C.)

This petition filed Under Section 19 of the Administrative Tribunals Act 1985, is directed against orders (Annexures A-2, A-4, A-6, A-8 & A-11), whereby the applications for appointment of the petitioner on compassionate grounds after the death of his father late Sri Chand Lal, Asstt. Audit Officer in the office of the Accountant General, U.P. Allahabad who died on 19.1.88 in harness, were rejected.

2. The deceased late Chand Lal left behind him, his wife, two unmarried young daughters and two sons. The widow of the deceased Smt. Pushpabata made an application dated 13.4.88 that she had two daughters of marriageable age and that her elder son was irresponsible and not caring for the family and that the family was in indigent circumstances. As such, she prayed for giving compassionate appointment to her second son, the petitioner. Her applications were rejected and her further applications moved in this behalf were also rejected, by the respondents taking the view that the retiral benefits of the deceased did not show that the petitioner was in indigent circumstances.

4. In the instant petition, the petitioner has

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quoted three instances of comparative cases where appointments on compassionate grounds were given by the respondents to the sons and daughter of the deceased Audit Officers/A/Cs Officers working in the office of the Accountant General, Allahabad, where the retiral benefits were not less than what the family of the deceased Chandi Lal, Asstt. Audit Officer received after his death. The petitioner has given the names of three officers and their sons and daughter who were given appointment on compassionate grounds in para 10 of the petition. The names of the deceased officers are;

- (1) Late Bhagawati Shanker Srivastava, A.O.
- (2) Late Sri N.R. Mukherji, A.O.
- (3) Late Sri R.C. Saxena, A.O.

and the names of their sons and daughter who were given appointment on compassionate grounds are respectively:

- (1) Sri Deepak Srivastava
- (2) Sri Druv Mukherji
- (3) Km. Reshmi Saxena

5. The respondents in their Counter affidavit, stated that cases of Sri Deepak Srivastava, S/o late Sri Bhagawati Shanker Srivastava and Sri Druv Mukherji s/o Late Sri N.R. Mukherji are not related to the office of the Respondent no.3. But it now transpires after hearing the matter that this statement of the Counter affidavit is not correct. The petitioner has filed the Gradation list of permanent Audit Officers(Civil) working in the office of the Accountant General, Respondent No.3 as on 1.3.1986. This list contains the names of all the three abovementioned deceased Audit Officers. Apparently, the consideration for appointment of the petitioner on

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compassionate ground has not been made on equal footing and justice having regard to the three comparable cases mentioned by the petitioner.

6. In view of the above facts and circumstances, I deem it just and proper to direct and I do hereby direct that the respondents shall reconsider the case of the petitioner for suitable appointment on compassionate grounds, having regard to the comparable three cases as mentioned above and shall take a decision in this behalf within a period of three months from the date of receipt of this order.

7. There shall, however, be no order as to costs.

R. K. Varma
Vice Chairman

Dated: August 30th 1993

(Uv)