

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : May 24/11/1999.

O.A. No. 63/1998

Govind Lal Purohit son of Shri Nagji Ram aged about 38 years resident of Bangala No. 5, Railway Colony Qtr. No. 379/B, Abu Road (his wife late Smt. Sulochna Purohit was last employed on the post of Head Typist in the office of Assistant Engineer, Western Railway, Abu Road.

... Applicant.

v e r s u s

1. The Union of India through General Manager, Western Railway, Church Gate, Bombay.
2. Divisional Railway Manager (E), Ajmer Division, Ajmer, Western Railway.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

.....

BY THE COURT:

Applicant has filed this OA praying therein that the impugned order dated 22.1.98 (Annexure A/1) passed by the respondent No. 2 refusing to give compassionate appointment to the applicant be quashed with all consequential benefits.

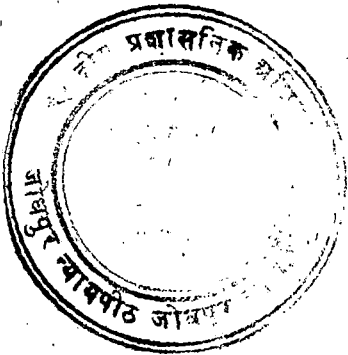
2. Notice of the OA was given to the respondents who have filed the reply to which a rejoinder was filed by the applicant. The respondents have filed a reply to the rejoinder and thereafter, the applicant filed an additional affidavit.
- 2/11/99

3. The brief facts of the case are that the applicant's wife Sulochna Purohit was employed as Head Typist at Abu Road in the Western Railway organisation. She died on 3.9.97 while in harness leaving behind her two minor sons and the applicant (her husband) ^{who} is said to be still unemployed. The applicant sought compassionate appointment due to death of the bread earner, Smt. Sulochna. His prayer for compassionate appointment was refused by the respondents on the ground that the applicant and his family is not in ~~financial~~ condition. The appointment on compassionate ground cannot be sought as a matter of right. The applicant is being paid family pension @ Rs. 2375/- plus D.A. as per rules. It is also alleged that the applicant is earning by running a tailor's shop, but this fact has been denied by the applicant.

4. I have heard the learned counsel for the parties and gone through the case file.

5. There is no dispute in respect of death of Smt. Sulochna while she was in harness. The applicant says that Smt. Sulochna died after suffering for long time of cancer. On the other hand, the respondents disputed this fact. It is alleged by the respondents ^{that} she died a normal death. For the purpose of decision of controversy in question, only important factor is that Smt. Sulochna died while she was in service of the respondents. It is not of much importance whether she died of cancer or due to some other disease.

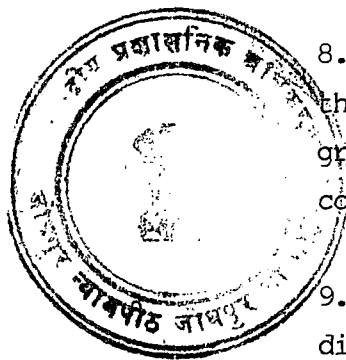
6. It is a settled position of law that compassionate appointment cannot be claimed as of right. It has been laid down by Hon'ble Supreme Court that appointment on compassionate ground is not a vested right. Compassionate appointment can only be sought and given considering the ~~financial~~ condition of the family and is provided to such applicant to tide over the financial calamity. The applicant whose age is 38 years is said to be unemployed, but compassionate appointment cannot be provided to surmount the problem of unemployment. It is provided so that the family may not die in absence of means to survive. In the instant case, the applicant is in receipt of family pension of Rs. 2,375/- on which usual D.A., which may be about Rs. 700/- to 800/-, is also



Signature

given. This comes to a total amount of more than Rs. 3000/-. Thus, it cannot be said that the family is without means to survive.

7. The applicant is a young man of 38 to 40 and is expected to work to earn his livelihood. If he ^{prefers} is not to work for his survival, compassionate appointment cannot be provided to him as a matter of reward for not working for his livelihood. Needless to say that the rules providing appointment on compassionate grounds cannot be made tool to secure employment through back door.



8. In my opinion, there are no sufficient grounds on which the applicant can be ^{found} entitled for appointment on compassionate grounds. The respondents have committed no error in considering the circumstances and passing the impugned order.

9. In my opinion, the OA has no force and deserves to be dismissed and is hereby dismissed.

10. The parties are left to bear their own costs.

24/5/99
(A.K. MISRA)
Judicial Member

cvr.

Part II and III destroyed
in my presence on 5-7-06
under the supervision of
section officer () as per
order dated 6/5/06

Section officer (Record)

Rec'd
R/S
26/5

R/C084
on 26/5
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for