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In the Central Administrative Tribunal, Jodhpur Bench,

J o d h p u r

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Date of order : 28.9.2000

O.A.NO. 384/99

Rajendra Singh S/o Late Jaimal Singh Shekhawat, aged about 40, years, R/o Mahendra Dairy Gali, Air Port Road, In front of Air Force Officers Mess, Jodhpur, his mother was last employed on the post of Group 'D' in the office of Kendriya Vidyalaya No. 1, Air Force, Jodhpur 342 011.

..... Applicant.

Vs.

1. Union of India through the Secretary, Ministry of Education, Government of India, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, New Delhi.
3. The Principal, Kendriya Vidyalaya No.1, Air Force, Jodhpur.

..... Respondents.

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CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

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

Mr.U.S.Bhargava, Counsel for the respondents. 2 to 3.

None is present for the respondent No.1.

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..... ORDERS *.....*
BY THE COURT :

The Applicant had filed this Original Application

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with the prayer that the respondents be directed to consider the applicant for being appointed on compassionate ground on a suitable post as per rules.

2. Notice of the O.A. was given to the respondents who filed their reply in which it is stated that on the death of Smt. Suraj, the mother of the applicant, a sum of Rs. 2,26,065/-, were paid to the heirs of Smt. Suraj on account of DCRG, GPF, DLIS and GIS. It is also stated by the respondents that the application of the applicant is premature as he had come to the Tribunal before his application for consideration for compassionate appointment was decided by the competent authority. The respondents had also taken other grounds of defence.

3. Considering the reply of the respondents, it was directed on 28.6.2000 that the respondents should take a decision in respect of Annex R/2 (i.e. application for compassionate appointment), within a period of two months and communicate the same to the applicant with a copy to the Tribunal.

4. On 20.9.2000, an application was moved by the respondents attaching therewith, the order of competent authority dated 1.9.2000 by which the representation of the applicant for compassionate appointment was disposed of.

5. As per the prayer of the applicant in the O.A., the case of the applicant has been considered for compassionate appointment. This is different that he has not been found eligible to be appointed on compassionate ground, as per the decision of the competent authority dated 1.9.2000. The prayer of the applicant for considera-

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tion relating to appointment on compassionate ground, stands satisfied and, therefore, the case has become infructuous.

6. Since during the pendency of the application, the representation of the applicant has been disposed of by the competent authority, I have also examined the order dated 1.9.2000 submitted alongwith the application. The applicant is aged more than 40 years as on today. The mother of the applicant died in Feb'98. At that time, the applicant was around 38 years old. A young man of 38 years or above, cannot be said to be dependent on his mother or father. The retiral benefits to the tune of Rs. 2,26,065/- were paid to the heirs of Smt. Suraj, who died leaving only two sons i.e. the applicant and his brother. Therefore, the applicant must have got half of the retiral benefits in terms of the money. In view of this fact, it cannot be said that the applicant was in a penury condition at the time of death of his mother. Appointment on compassionate ground, is not an alternative to regular appointment. In view of these facts, if the authorities have found the applicant not eligible to be appointed on compassionate ground, no fault can be found in the order by which the application of the applicant for compassionate appointment has been disposed of.

7. In my view, the Original Application of the applicant has become infructuous and deserves to be dismissed. The Original Application is, therefore, disposed of as having become infructuous. The parties are left to bear their own costs.

28/9/2000
(A.K.MISRA)
Judicial Member

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