

IN THE CENTRAL ADMINISTRATIVE TIRBUNAL
JODHPUR BENCH : JODHPUR

29.4.2002
Date of Decision : 29.4.2002

O.A. No. 136/2001.

Vinod Kumar son of Late Shri Rama Kishan Bissa aged 25 years resident of Relan Pada, Jaisalmer. O/A- Pump Operator, C.P.W.D., Jaisalmer.

... APPLICANT.

V E R S U S

1. Union of India through Secretary, Central Public Works Department (Electrical), Nirman Bhawan, New Delhi.
2. Superintending Engineer, Central Public Works Department (Electrical), Central Electrical division, Sector-10, Vidyagarh, Jaipur.
3. Executive Engineer, (Electrical) Central Public Works Department, 3, West Patel Nagar, Circuit House Road, Jodhpur.

... RESPONDENTS.

Shri G. K. Vyas counsel for the applicant.
Shri Jagdish Vyas, counsel for the respondents.

CORAM

Hon'ble Mr. H. O. Gupta, Administrative Member.

: O R D E R :
(per Hon'ble Mr. H. O. Gupta)

The applicant is aggrieved of non grant of appointment on compassionate ground. He has prayed for appropriate directions to the respondents to appoint him in a suitable post.

2.0. The case of the applicant as made out, in brief, is that the father of the applicant while in service on the post of Pump Operator, died on 16.01.1999. He moved an application through his mother for grant of appointment on compassionate grounds, but

his application has been rejected on the ground that dependents of late Shri Rama Kishan Bissa are major and ,therefore, no appointment can be given, as may be seen from the order dated 01.03.2001 (Annexure A-1). On perusal of the said order it would be clear that the respondents have proceeded entirely on incorrect premise. The ground of family members being major, cannot be a relevant ground for rejection of the appointment on compassionate ground. One Mishri Lal who was also employee of the non applicant died after six months of death of Shri Rama Kishan and his wife has been provided appointment and in this way it is a clear case of discrimination against the applicant.

3. The respondents have contested the application and have submitted that the case of the applicant was considered by the Committee constituted for the purpose and it was found that the applicant was not wholly dependent. The family have their own house and there is no liability to impart education to any minor children or any daughter of marriagable age. All the family members are major and are competent to maintain themselves . After taking into consideration the facts and circumstances of the family members of the deceased, the competent departmental committee arrived at the conclusion that the request of the applicant for appointment on compassionate grounds cannot be accepted. The applicant has not given all the particulars of one Shri Mishri Lal. It is submitted that each of the application for appointment on compassionate ground is to be considered on its own merits and cannot be taken as afresh. precedent

3.0. Heard the learned counsel for the parties and perused the records.

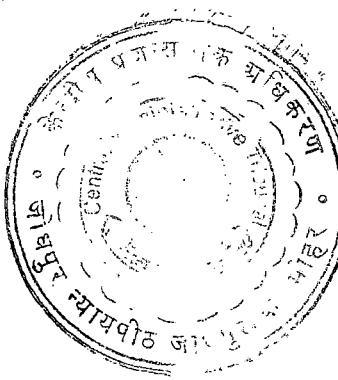
3.1. During the course of arguments, the Learned counsel for the applicant submitted that the order at Annexure A-1 does not give detail reasons as to why the case has been rejected. It simply states that the applicant has not been found fit for appointment on compassionate grounds. The only reason given is that all the members of the family are major. He also submitted that the applicant has been discriminated vis a vis Mishri Lal who had also died in harness and his case was similar, but his wife was provided with appointment and therefore, the applicant has been discriminated



3.2. He further submitted that the reason given by the respondents in their reply is that there is no liability to impart education to any minor children or any daughter of marriageable age, all the family members are major and competent to maintain themselves, is vague and is without proper application of mind. He submitted that liability to impart education cannot be limited to only minor children and that if the family member is a major, it cannot be said that he can maintain himself since the majority age is only 18 years. As per laid down policy, unless the person has his own livelihood irrespective of the age is to be taken as dependent and his case was required to be considered in that manner.

4.0. There is a force in the contention of the learned counsel of the applicant. The order rejecting the case of the applicant is a non speaking order. The only reason given, is not quite relevant.

5.0. In view of the above discussion, this Original



Application is disposed of with the direction to the respondent No. 2 to consider the case of the applicant afresh. In case it is found that the applicant cannot be given appointment on compassionate ground to any group-D post, the representation of the applicant should be properly disposed of with a reasoned order within a period of two months from the date of receipt of his representation. Let the applicant send a fresh representation with full details, within one month from today by Speed or Registered A.D. post, to respondent no. 2 alongwith a copy of this OA. No order as to costs.

(H. O. GUPTA)
Adm. Member

Part II and III destroyed
in my presence on 11/20/02
under the supervision of
Section officer
erased 14/03/03 as per
Section officer (Record)

Recd copy of the
order of 29/02
Jagad 25/02

Recd copy of
order of 29/02