

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

.....
Date of Order : 8.1.2003.ORIGINAL APPLICATION NO. 345/2002.....
Vikash Sharma S/o Late Shri Bhanwar Lal Sharma, aged about 27 years, resident of D-15, Sarsawati Nagar, Basni, Jodhpur.

.....Applicant.

versus

1. Union of India through Secretary
to the Government of India
Department of Telecom
Sanchar Bhawan, New Delhi.

The Chief General Manager Telecom,
Rajasthan Circle,
Jaipur.

Telecom District Manager,
Jodhpur, District - Jodhpur.

4. Assistant Director General (Recruitment),
Rajasthan Telecom Circle,
Jaipur.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman
Hon'ble Mr. A.P. Nagrath, Administrative Member

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Mr. Bhanwaroon Khan, Advocate, present for the applicant.

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ORDER

Per Mr. Justice G.L. Gupta :

The Applicant is the son of Late Shri Bhanwar Lal Sharma, who was LIO under SDOP (West) Jodhpur. While in service he died on 11.11.98. The applicant made an application to the respondents for providing him employment on compassionate grounds. His request was rejected vide order dated 3.9.2002 (Annex. A.1)

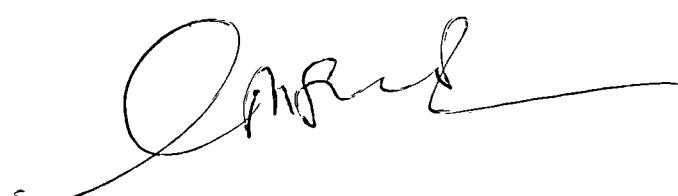
2. The grievance of the applicant is that the respondents have not considered the matter in the right perspective and as his mother has been living separately, he is entitled to appointment on compassionate grounds.

3. We have carefully gone through the averments made in the application and perused the documents placed on record.

4. It is evident that the mother of the applicant is in Government service getting a salary of Rs.6787/- per month. She is getting family pension as Rs.3253/- per month also. The family also got terminal benefits to the tune of about Rs.3 lakhs. The circumstances clearly show that the family of the deceased Government servant is not in financial hardship.

5. An attempt has been made to show that the mother of the applicant is living separately and hence the applicant is in financial hardship. Some documents have been filed to support the plea.

6. The Ration Card produced before us, has been obtained in



the year 2000 i.e. after the death of Shri Bhanwar Lal Sharma.

Copies of affidavit have also been filed. However, in the affidavit sworn by Smt. Chandra Kanta, w/o Late Shri Bhanwar Lal Sharma, it was nowhere stated that she was living separately and she was not helping the family members financially. The documents in our opinion, do not help the applicant. It is borne out on record that the marriage of the sister of the applicant was performed by the members of the family including the mother of the applicant. It is also seen that the residential address of the applicant and of his mother Smt. Chandrakanta is the same. It may be that the mother resides at Merta but that does not mean that she is unconcerned with the family. It is because she is in service and posted at Merta.

8. It is manifest that one member of the deceased Government servant is already in Government service. The mere death of the Government servant does not entitle the heirs to get appointment on compassionate grounds. The object of the compassionate appointment is to enable the family of the deceased Government servant to tide over the sudden crises due to the death of the Government servant and not to provide employment. See Umesh Kumar Nagpal versus State of Haryana [1994 SCC (L&S) 930].

8. Apart from that, the family is being maintained for more than four years without any difficulty after the death of Shri Bhanwar Lal Sharma. Therefore, there cannot be any justification of providing employment to the applicant on compassionate ground. It cannot be said that the family is in indigent condition.

9. There is no merit in this O.A. It is dismissed in limine.

Ans
[A.P. Nagrath]
Adm. Member

T.G.L. Gupta
[T.G.L. Gupta]
Vice Chairman

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