

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH,

JODHPUR.

O.A.No.131/2003

November 24, 2004.

CORAM : HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN

Mahendra Kumar S/o Shri Motilal Ji Gujar, aged 33 years, resident of Prem Nagar, Ward No.21, Gandhi Nagar, Abu Road, District, Sirohi, Shri Satish Kumar was working as a Fitter in N.W.Railway, Abu Road.

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Applicant

By : None.

Versus

1. Union of India through the General Manager, North West Railway, Jaipur.
2. The Divisional Railway Manager (Establishment), North West Railway, Ajmer.

By : Mr.Salil Trivedi, Advocate.

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Respondents

ORDER(oral)KULDIP SINGH, VC

The applicant has filed this O.A. as he feels aggrieved of an order-dated 21.10.2003 whereby he has been denied appointment on compassionate grounds. Copy of the said order is at annexure A-1. The facts as alleged by the applicant in brief are that applicant's father Shri Motilal Ji Gujar who was serving in the Railway as Fitter had expired on 1st of May, 1992. The applicant was eldest son but despite that he did not make an



application for compassionate appointment since he was not feeling well so an application was made seeking appointment for the youngest son, Satish Kumar. Pursuant to the said application, Shri Satish Kumar was appointed on compassionate grounds in 1993. He was unmarried and unfortunately he too expired on 5.11.2000. Thus, it is pleaded that in the circumstances, the family lost only bread earner of the family, so again an application for appointment on compassionate grounds was submitted by the applicant's mother for applicant and thereafter repeated representations were made but instead of granting the appointment on compassionate grounds to the applicant, the impugned order has been passed denying the applicant such appointment on compassionate grounds on the plea that the applicant cannot be said to be dependant on his younger brother late Shri Satish Kumar.

2. The respondents have contested the O.A. pleading that applicant cannot be given appointment on compassionate grounds as at the time of submission of application for appointment of Late Satish Kumar, the mother of the applicant had given in writing that Vinod Kumar, Jagdish Kumar and Mahendra Kumar (applicant) are already in service. Thus, he cannot be said to be dependant upon Shri Satish Kumar. Thus, the applicant cannot claim appointment on compassionate grounds. The applicant has filed no rejoinder.



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3. Finding that no-one appears for the applicant, proceeding under rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, I have heard learned counsel for the parties and perused the material on the file minutely.

4. The learned counsel for the respondents has referred to the document, Annexure R-1, which is an application made by the mother of the applicant at the time when her husband had expired for appointment of Satish Kumar on compassionate grounds. In the said application the mother of the applicant had mentioned that her husband had expired on 1.5.1992. She had one married daughter and five sons out of whom, 3 were already employed, including the applicant. Shri Satish Kumar, who was middle, pass and was unmarried was stated to be residing with her and it is he who will take her responsibility i.e. mother of the applicant. On the basis of this, the learned counsel for the respondents submitted that applicant who is elder brother of Shri Satish Kumar, was already employed and was not looking after the wife of the deceased Moti Lal and he was also not member of the family of the deceased Satish Kumar. This counter affidavit filed by the respondents has not been controverted by filing a rejoinder.

5. Moreover, it is admitted case of the applicant himself in the O.A. that he is elder brother of late Shri Satish Kumar who was appointed on compassionate grounds. Now how the applicant has become dependent upon Shri Satish Kumar has not been

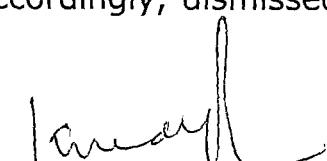
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disclosed and the averments made by the applicant cannot be believed since the mother of the applicant at the time of seeking appointment of Satish Kumar had already stated that her elder sons were already employed. In view of these facts, I do not find any grounds in the O.A. The same is found to be devoid of any merits. No interference is called for in the impugned order passed by the respondents. The O.A. is, accordingly, dismissed.

No costs.



(KULDIP SINGH)
Vice Chairman

November 24, 2004.



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Part II and III destroyed
in my presence on 3/10/2013
under the supervision of
section officer () as per
order dated 18/10/2013

DR. Shm
Section officer (Record) 31.10.2013