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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application No. 355/2005
Date of order: 21.11.2006

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

Rohtash Kumar S/o Late Shri Kanha Ram Gusai, aged about 24 years, resident of – 4-E-15, Jawahar Nagar, District – Sri Ganganagar (Raj.).

...Applicant.

Mr. B. Khan, counsel for the applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Science and Technology, Department of Meteorology, New Delhi.
2. The Dy. Director General of Meteorology, Department of Meteorology, Mausam Bhawan, Lodhi Road, New Delhi.
3. Assistant Meteorologist – I (Admin.), Regional Meteorological Centre, Lodhi Road, New Delhi.
4. In charge, A.M.I., Meteorology Radar Station, Sri Ganganagar (Raj.).

...Respondents.

Mr. Vinit Mathur & Mr. M. Godara, counsel for respondents.

ORDER

Shri Rohtash Kumar has filed this Original Application for seeking a mandate to the respondents for considering his case for appointment on compassionate grounds and also assailed the order dated 16.08.2005 (Annex. A/1) whereby his claimed has been rejected.

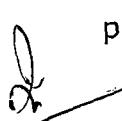
2. I have heard learned counsel for both the parties and have very carefully perused the pleadings as well as records of this case.
3. The indubitable material facts leading to filing of this Original Application are that the applicant is the son of Shri Kanha Ram Gusai.



Shri Kanha Ram Gusai was holding the post of A.M.-II in the respondent-department. The said Shri Kanha Ram Gusai, the father of the applicant and also his mother expired on 30.03.2004 in an accident. The deceased Govt. servant was survived with the family consisting of applicant and his 70 years of aged mother who is a patient of Asthma and Tuberculosis. The applicant is an unemployed under graduate. The widow and two unmarried girls of his elder brother are also dependent on him. The family has incurred a lot of expenditure on the marriage of his sister and to purchase a plot and house. An application was moved to the respondent-department for consideration his case for grant of appointment on compassionate grounds. The case has been turned down and rejected vide order dated 16.08.2005 (Annex. A/1). The Original Application has been filed on numerous grounds mentioned in para 5 and its sub-paras.

4. The respondents have contested the case and have filed a detailed reply to the Original Application. It has been averred that the family of the deceased Govt. servant has got their own house, having value of about Rs. 10-20 lacs. An amount of Rs. 12, 51,409/- was paid as terminal benefits, besides the family pension of Rs. 4250/- plus dearness allowance per month. The case of the applicant was considered and keeping in view the comparative hardships and more indigent condition of others, his has not been recommended for appointment under dying in harness rule.

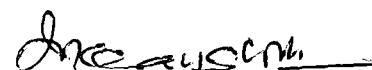
5. Both the learned counsel for the parties have reiterated the facts and grounds mentioned in their respective pleadings as noticed above. Learned counsel for the respondents has been fair enough to produce the relevant records relating to the proceedings of the



Committee which considered the case of the applicant along with other candidates for grant of appointment on compassionate grounds. He has demonstrated that the candidates who have been recommended and provided with the appointment on compassionate grounds were much more in indigent condition than the applicant. He has further submitted that the applicant has got hardly any liability and is not facing that much hardship, as was faced by the other candidates. He has also submitted that one has only right to consideration for appointment on compassionate grounds and not any vested right for appointment and the respondents have sincerely examined his case and rejected in accordance with rules in force.

6. I have considered the rival submissions put forth on behalf of both the parties and also waded the records, which have been produced by the respondents. From the perusal of the records, I find that the case of the applicant and other candidates were comparatively examined by a committee and recommended compassionate appointment of most deserving candidates who were in more indigent condition than the applicant. Therefore, no fault can be fastened with the action of the respondents. In this view of the matter, the applicant does not have any case in his favour requiring interference from this Bench of the Tribunal. In the premises, the Original Application fails being devoid of any substance and the same stands dismissed. However, there shall be no order as to costs.



(J K KAUSHIK)
JUDICIAL MEMBER

Kumawat

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3 24/11/08
P/S
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Part II and III destroyed
in my presence on ... 11/4/14
Under the supervision of
Section Officer () as per
order dated 31/10/14

Section Officer (Record)