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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**
Original Application No. 163 of 2005

Date of Decision: This the 17th day of April, 2006

CORAM :

Hon'ble Mr. J.K. Kaushik, Judicial Member

Sohan Singh S/o Late Shri Laxman Singh, aged 21 years, by caste Rajput, Resident of Jagdamba Colony, Main Choraha, Pratap Nagar, Jodhpur.

.....Applicant.

Mr. R. K. Soni, Advocate, for applicant present.

Versus

1. Union of India through the Secretary
Ministry of Water Resources,
Government of India, New Delhi.
2. The Director, Central Ground Water Board,
NH IV, Faridabad, Haryana.
3. The Director (Administration), Central Ground Water Board,
NH IV, Faridabad, Haryana.
4. The Regional Director (RD), Central Ground Water Board, Jaipur.

.....Respondents.

Mr. Arvind Samdaria, Advocate, for respondents present.

ORDER

Shri Sohan Singh has assailed the order dated 22nd March 2005 {Annex.A/1} through which he has been refused appointment on compassionate ground. He has sought for setting aside of the same and for consideration of his case for grant of appointment on a suitable post.

2. With the consent of both the learned counsel for the parties, the case was taken up for final disposal at the stage of admission, keeping in view that a short controversy is involved in this case. I have accordingly heard the arguments advanced at the Bar and perused the records of this case.
3. The material facts necessitating filing of this O.A. are that applicant is the son of Shri Laxman Singh. Shri Laxman Singh was

employed as a Chowkidar in the respondent-department and expired while in service on 25th February 2002. Applicant has passed V standard and an application was moved to the competent authority for his appointment on compassionate ground. Finding no response, an O.A. No. 210/2004 was filed which came to be allowed on 18th February 2005 directing the respondents to pass a speaking order in the matter. The claim of the applicant came to be turned-down through the impugned order informing him that his case was duly considered and only three persons have been given appointment after considering the comparative hardships of the 53 aspiring candidates. Nevertheless, the applicant was found to be in a better financial position and, therefore it has not been possible to appoint him. It has also been indicated that the applicant was eligible only for consideration against a Group 'D' post since he is only V standard pass. There was only one post of Group 'D' vacant against 5% vacancies prescribed for compassionate appointment and one Shri Vishal Kumar has been granted appointment against the same.

4. Both the learned counsel for the parties reiterated the facts and grounds narrated in the respective pleadings as noticed above. The learned counsel for the applicant has tried to demonstrate that the candidates who were less indigent than the applicant, have been granted appointment on compassionate ground. On the other hand, learned counsel for the respondents has submitted that the applicant was eligible only for consideration against a Group 'D' post and his case cannot be compared with the candidates who were eligible and possessing requisite qualification for Group 'C' posts. He has submitted that one Shri Vishal Kumar has been granted appointment on compassionate ground against group D post. In his case, the family member consisted of widow, two sons and three daughters – whereas,

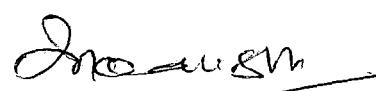


in the instant case the family consists of applicant's mother and two sons only and in this way, no fault can be fastened to the action of the respondents.

5. I have considered the rival submissions put-forth on behalf of both the parties. As far as the legal aspect of the matter is concerned, it is by now fairly settled that the compassionate appointment is not as a matter of right and one could not claim such appointment on a particular post. The object of providing employment to the dependant of a Government servant dying-in harness in preference to anybody else is to mitigate hardship caused to the family of the deceased on account of his unexpected death while in service. To alleviate the distress of family, such appointments are permissible on compassionate grounds provided there are rules providing for such appointments (**PNB and Ors. versus Ashwini Kumar Taneja – 2005**

(1) SLJ 30 (SC) refers). In the instance case, admittedly, the applicant being V standard pass, is eligible only for appointment against a Group 'D' post. His case has been duly considered and keeping in view the comparative indigent position, a person comparatively in harder position, has been granted appointment. Therefore, the case of the applicant has been duly considered in accordance with the rules in force and there is no ground made-out on behalf of the applicant, calling for any indulgence in this case.

6. In the result, the O.A. sans merit and stands dismissed accordingly. There is no order as to costs.



[J.K. KAUSHIK]
JUDICIAL MEMBER

jrm

Recd Copy
As directed
25/1/66

Call ~~111~~ 111 destroyed
in my presence on 4/4/14
under the supervision of
section officer () as per
order dated 24/1/14

Section officer (Record)

R. COPY
As directed
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