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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**Original Application. No. 68/2011 alongwith
Misc. Application No. 52/2011**

Date of decision: 26.09.2012.

CORAM:

HON'BLE DR. K.B.S.RAJAN, MEMBER (JUDICIAL)

Ajay Sharma S/o Shri Bhanwar Lal Sharma, aged about 25 years, Iby caste Sharma, resident of Village and Post Nandari, Banar Road, Jodhpur, Raj. Late father of the applicant was working as Senior TSO(P) in the Office of the respondents at Jodhpur BSNL.

Applicant
[Mr. Niranjan Mathur for Mr. Kuldeep Mathur,Advocate]

Versus

1. The Bharat Sanchar Nigam Limited (Govt. Of India Enterprise) through its Chief Managing Director, BSNL, New Delhi.
2. The Chief General Manager, Rajasthan Telecom Circle, BSNL, Jaipur.
3. The General Manager, BSNL, Telecom District, Subhash Nagar, Pal Road, Jodhpur.

..... Respondents
[Mr. Kamal Dave, Advocate]

O R D E R (Oral)

This is a case for compassionate appointment. Applicant's father, Shri Bhanwar Lal Sharma, while functioning as senior TSO (P) in the office of the respondents at Jodhpur, died while in service on 13-08-2001, leaving behind his family consisting of his spouse, three sons and four daughters. In the wake of his demise the family was paid the terminal benefits amounting to Rs. 5,79,346/- and in addition, family pension of

Rs 2875 plus dearness relief is paid to the widow. All the four daughters are married and the eldest son is employed as a police constable while the next one is self-employed by driving a taxi. These two are living separately. The family owns 1.5 bighas of land. The applicant at the time of demise of his father was a minor. He had applied for compassionate appointment on 8 February 2005, on attaining majority. The Circle Relaxation Committee, keeping in view the above admitted facts came to the conclusion that in view of the assets, absence of major liability and the applicant having applied for compassionate appointment after four years of the demise of his father, the family cannot be said to be in indigent conditions. Accordingly his application for compassionate appointment was rejected. It is against this rejection order vide Annexure A-1 dated 28th of June 2006 that the applicant has moved this O.A. seeking the following reliefs:-

"By an appropriate order or direction the order dated 28.06.2006 (Annexure-A/1) & order dated 18.07.2006 (Annexure A/2) issued by the respondent department may kindly be quashed and set aside.

By an appropriate order or direction the respondents may kindly be directed to consider the case of the applicant sympathetically and give appointment on compassionate ground in place of his deceased father.

Any other appropriate order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant."

2. The application has been accompanied by an

application for condonation of delay as well, vide M.A. No. 52 of 2011.

3. Respondents are contested the OA as well as the misc. application for condonation of delay. The main ground of attack was that there being two earning members and the terminal benefits being sizeable, it cannot be stated that the family of the deceased is in indigent condition. In addition, the scheme of compassionate appointment being to provide immediate surviving financial strength to the bereaved family, the applicant having applied after as many as four years of the demise of the breadwinner (father of the applicant), there is no merit in the application. Objections have also been raised over the delay in filing the application.

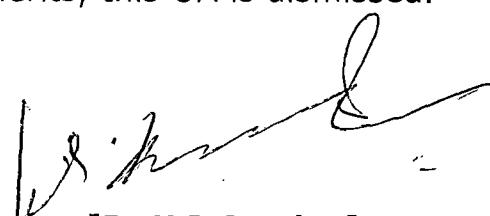
4. Applicant prayed for filing rejoinder and sufficient opportunities were given but no rejoinder was forthcoming.

5. Arguments were heard. The parties have relied upon the pleadings as contained in the OA and the reply. It is found that two of the three sons of the deceased are already employed. Four daughters are already married. All these are living separately. Thus, it is only the applicant and his mother that can be stated to be the 'family members' of the deceased for the purpose of consideration for compassionate appointment.

The terminal benefits amounting to Rs. 5.79 lakhs plus can be taken to be sizeable and the monthly pension is also Rs 2875

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plus dearness relief. The family has certain assets as well. Above all the applicant never felt the financial constraints earlier. Though the applicant could not have sought an employment he being minor at the time of the demise of his father, the mother the applicant could have applied for any group D posts. This was, admittedly, not done. Thus the purpose of grant of compassion appointment to dilute the financial hardship immediately on the death of the government servant does not subsist in this case. As such under no circumstances can it be said that the applicant deserves to be considered for compassionate appointment at this distance of time. The decision of the Circle Relaxation Committee by the impugned order cannot be faulted with. Hence this OA being devoid of merits, merits only dismissal. Also, there is no merit in the explanation offered for condonation of delay. Hence, both on delay and on merits, this OA is dismissed. No costs.



[Dr.K.B.S.Rajan]
Judicial Member

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