

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.79/2008
This, the 26th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Bhanu Prakash Pandey, aged about 24 years, son of Late Sri Jamuna Prasad Pandey, resident of Village-Khamhariya P.O.-Dewariya District- Balrampur U.P.

...Applicant.

By Advocate:- Dr. M. Dubey.
Versus.

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Joint Secretary, (Trg)/Chief Administration Officer, Ministry of Defence, E-Block R. No.170, Hutmants, Dalhauji Road, D.H.Q. P.O., New Delhi-110011.

... Respondents.

By Advocate:- Shri Ganga Singh.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the OA with a prayer to quash the impugned order Dt. 25.10.2007 by which the Respondent No.2 rejected the claim of the applicant for appointment on compassionate ground stating that it is illegal and arbitrary and against the evidence and facts of the case.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that the authorities have considered the claim of the applicant and thereafter passed reasoned order and thus there are no merits in the claim of the applicant for interference of this Tribunal.
3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and reiterated the pleas taken in the OA.
4. Heard both sides.
5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

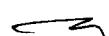


6. The admitted facts of the case are that the father of the applicant Late Jamuna Prasad Pandey, while working under the respondents as Daftari died on 14.02.2007 leaving behind 2 daughters and 3 sons. The applicant is the younger and his two elder brothers are working as formers and also doing private jobs. His 2 sisters are also married. The applicant alone is unmarried. After the death of his farther. The applicant made representation for his appointment on compassionate ground but the respondents have rejected his claim covered under (Ann-A-1) Dt. 25.10.2007, which is under challenged in this case.

7. It is also not in dispute that the wife of the deceased is pre-deceased and the deceased family received an amount of Rs. 3,32,394/- towards terminal benefits and also applicant herein also receiving family pension of Rs. 3075/- + DA. The elder brothers of the applicants are married and doing agriculture and attending other private works.

8. The respondent authorities have rejected the claim of the applicant on the ground that all the family members of the applicant are majors and no unmarried sister and minors are there ad also the family received terminal benefits of Rs. 3,32,394/- and as such the applicant is not entitled for compassionate appointment. They have also stated other reasons that the applicant has been working as Chowkidar in the village and getting family pension.

9. The applicant challenged this order on the ground that he is not working as Chowkidar and also filed letter issued from Superintendent of Police Dt. 12.1.2007 (page-20) and basing on such letters, the applicant disputed the reasons given by the respondents for rejection of his claim. In the rejection order, the respondents has mentioned that the applicant has been working as Chowkidar in his village also stated in C.A., stating that the applicant himself gave his statement at the time of consideration of his application by the Board that he is working as Chowkidar in his village and



up on which Board had taken note of it and shows one of the reasons for rejection of his claim for compassionate appointment.

10. From the reading of rejection order Dt. 25.10.2007 and Dt. 10.1.2008, which are under challenge in this OA clearly shows that the applicant has been granted family pension Rs. 3075/- + DA and also stating that the family received terminal benefits of Rs. 3,30,394/- and no liabilities are there. In respect of one of the reason given in rejection order, that the applicant has been working as Chowkidar, which is when based on the statement of the applicant himself before the Board and in such circumstances, it is not open to the applicant to find fault with such findings given by the Board. Further when the applicant himself receiving family pension and when there are no family liabilities, it is not open to the applicant to say that the authorities have rejecting his claim illegally. Further, the orders Dt. 25.10.2007 and Dt. 10.1.2008 are well reasoned order while considering the claim of the applicant for his appointment on compassionate ground and no justified reasons are there for interference of this Tribunal.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)

26.09.08

/amit/