

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCNOW BENCH
LUCKNOW.**

ORIGINAL APPLICATION NO: 349/2005

Lucknow this, the 15th day of November, 2006.

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

Raj Shekhar son of Late Shri Lalta Prasad, aged about 31 years
R/o H.N.o. 868, Paltean Bazar, Post Sadhar, Distt. Sultanpur(U.P.)

Applicant.

By Advocate Shri B.K. Kuldeep

Versus

1. Union of India, through its Secretary Ministry of Defence
New Delhi.
2. The Principal CDA (CC), Cantt. Lucknow..
3. The Defence account Officer, Salary Account Officer, Dongra,
Regiment Centre, Faizabad.

Respondents.

By Advocate Shri Deepak Shukla for Shri S.K. Awasthi.

Order

By Hon'ble Mr. M. Kanthaiah, Member(J)

This is the application filed by the applicant to quash the impugned order dated 24.3.2005 (Annexure 1) under which the respondents have rejected the claim of the applicant for appointment on compassionate ground with the following averments.

2. It is the case of the applicant, that their father Lalta Prasad died on 7th January 2002, while working on the post of Senior Auditor under Respondent No. 3 leaving behind his wife, three sons and two daughters. The applicant who is one of the son of



- 2 -

the deceased made representation for his appointment on compassionate ground stating that there is no other family member to maintain their family and he is entitled for compassionate appointment on the post of Class III under dying in harness rules on the compassionate ground. But the respondents have rejected the claim of the applicant and issued the impugned order covered under Annexure 1 dated 24.3.2005 which is under challenge in this O.A.

3. The respondents have filed their counter affidavit stating that the competent authority passed the orders covered under Annexure 1 by taking into consideration of the position of the applicant as well as with the reference to the Government orders on the subject. They stated that sons of the deceased are major's and there is neither any minor nor unmarried daughter and the wife of the deceased , already expired and the applicant's also own house in Sultanpur and thus, he will not come within the preview of appointment on compassionate ground and thus passed speaking order after considering the financial exigency and hardship of the applicant and thus prayed to dismiss the application.

4. The applicant field rejoinder disputing the contentions of respondents for dismissal of his application.

5. Heard both sides.

6. The point for consideration is whether the applicant is entitled for the relief as prayed for.

7. The admitted facts of the case are that late Shri Lalta Prasad, father of the applicant died on 7.1.2002 while working as Senior Auditor under respondent No. 3 ^{Leaving} ₂ ~~living~~ behind is wife, three sons, two daughters and old aged mother. It is also not in dispute that the applicant's brother received pension of Rs. 3550 + Dearness relief up to 09.01.2005 till attaining the age of 25 years per month and they also received a sum of Rs. 6,30.800/- as terminal benefits. The wife of the deceased i.e. mother of the applicant also expired and the applicant also inherited a house at Sultanpur. The applicant made a representation for his compassionate appointment in the year 2002 which was rejected by the competent authority on 13th October 2003 stating that he has ~~was~~ not fulfilled the indigency criteria as per rules. Subsequently, when he made another representation, the competent authority has rejected the same vide impugned order dated 24th March 2005 (Annexure 1) stating that the applicant has not fulfilled the indigency criteria as per the rules and also there is no vacancy available in the department for his appointment on compassionate ground. Against the said impugned order, the applicant has preferred this application.

8. Admittedly, the applicant and two his other brothers are majors and there are no family liabilities to maintain any of the minors and also un-married daughters for performing their education and marriages. In the impugned order, the third respondents has given reasons stating that the applicant will not come within the meaning of indigency criteria as required under the rules for appointment on compassionate ground and further stated that there is no vacancy available in the department. The

impugned order also discloses the family background and financial condition of the applicant and also for rejecting his claim for compassionate appointment. It is also not in dispute that the claim of the applicant was also rejected on earlier occasion which was in the year 2003. When the applicant has not fulfilled the indigency criteria as required by the rules for his appointment on compassionate ground and when there are no vacancies available in the department within three years from the first request of the applicant and when respondent passed speaking order covered under Annexure 1, interference of this Tribunal is not at all desirable as there are no grounds to quash the same.

9. Though the applicant counsel relied on the following decisions that he is entitled for the benefit of appointment on compassionate ground, when the respondents have passed a speaking order giving the details of his financial condition and other family background, the citations are not helpful for giving any direction to the respondents to reconsider the claim of the applicant for compassionate appointment.

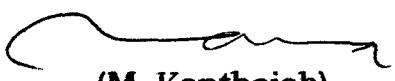
- a) **2006 (24) LCD 661 Allahabad High Court (Lucknow Bench).**
- b) **2006 (24) LCD 447 Allahabad High Court (Lucknow Bench).**
- c) **2006 (24) LCD 444 Allahabad High Court (Lucknow Bench)**
- d) **2006 (24) LCD 182 Allahabad High Court (Lucknow Bench).**

10. In view of the above discussion, there are no justified grounds to interfere with the finding of the respondent No. 3, covered under Annexure 1 for rejecting the claim of the applicant

-5-

for his appointment on compassionate ground and as such, application is liable for dismissal.

ii. In the result, O.A. is dismissed with no costs.



(M. Kanthaiah)

Member(J) 15-11-06

v.