

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.545/2006

This the 04th day of December, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Prem Narain Dikshit, aged about 24 years, son of late Deo Narain Dikshit, resident of Village-Begumgang, Post Office-Sandila, District-Hardoi (by virtue of instant application applicant seeks appointment under dying in harness rules at the place of his father who had died on 22.7.2000 during service period who was working against the post of Draftsman under the department of opposite parties).

.....Applicant

By Advocate: Sri Brajesh Kuamr Yadav holding brief for Shri A.P. Singh 'Vatsa'.

Versus.

1. Union of India through Director-in-charge, Operation, Uttar Pradesh.
2. Director-in-charge, Operation, U.P. Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow.
3. Administrative Officer, Gr. I, Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow.
4. Deputy Director General, Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow.
5. Govil posted as Cleaner C/o Administrative Officer, Gr. I, Geological Survey of India, Northern Region, Sector'-E, Aliganj, Lucknow.
6. Sarfaj, Cleaner, S/o Administrative Officer, Gr.I , Geological Survey of India, Northern Region, Sector0-E, Aliganj, Lucknow.

.....Respondents


By Advocate: None.

ORDER

By Ms. Sadhna Srivastava, Member-J

The subject matter is compassionate appointment.

2. The brief facts of the case are that the applicant's father namely Late Deo Narain Dikshit, while working in the office of respondents



died in harness on 22.7.2000, leaving behind a widow and two major sons. After the death of his father the applicant's mother applied for appointment of her son (applicant) on compassionate ground. Therefore, the mother of the applicant submitted various representations for appointment of her son. The respondents have considered the case of the applicant for appointment on compassionate ground but did not find him fit for appointment on compassionate ground. By letter dt.7.4.2006, the applicant was communicated that his case has been closed by the competent authority being three years old and non-availability of vacancy during the said period.

3. The applicant has challenged the order dt.7.4.2006, mainly on the ground that his case has been rejected arbitrarily; that junior persons have been provided regular appointment on compassionate ground; that mother of the petitioner was working as daily wager in the department from time to time and the respondents have assured for regular appointment.

4. The respondent have filed Counter Affidavit, stating therein that the applicant's case was considered by the committee but not found fit due to non-availability of vacancy under compassionate appointment quota. It is further stated in the Counter Affidavit that the deceased employee Late Deo Nrain Dikshit, had only 4 family members. Had he eight family members depending upon him, the details of them would have been mentioned in his service book. The applicant's mother had worked in the department on daily wage basis only for the period of three months on voucher payment basis. The respondents have denied the assurance given to the applicant.



5. Heard counsel for both the parties and perused the pleadings.

6. It is apparent from the Annexures that the applicant's father died after rendering 36 years 4 months service. After the death of the deceased the family received retrial benefits. The widow is getting family pension. The object of compassionate appointment is to provide immediate financial assistance to the deceased family members. It is settled law that compassionate appointment can not be claimed as a matter of right. Such appointments are also required to be made up to 5% vacancy available for direct recruitment quota of the year. In the instant case the applicants' father died after rendering 36 years 4 months service therefore, it is not a case where the deceased employee died at a young age leaving his family in destitute condition or indigent condition. The applicant has failed to point out that other candidates, who have been offered appointment were less deserving than the applicant. Therefore, I do not find any basis to question the facts as mentioned in the impugned order, as such the impugned order as contained in Annexure-A-3 is not liable to be interfered.

7. Resultantly, the OA is dismissed without any order as to costs.


(Sadhna Srivastava)
Member-J

Amit/-