

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.212/2008
This the 05th day of June 2009**

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Ashok Kumar Dixit, aged about 39 years son of Late Sri Ram Bharosey Dixit, resident of Village Thakuramau Fatehpur Post Padri Distt. Barabanki.

...Applicant.

By Advocate: Shri M.C. Shukla.

Versus.

1. Union of India through its Secretary Ispat Evam Khan Department Shastri Bhawan, New Delhi.
2. Up Mahanideshak Bhartiya Bhu Sanrakshan Uttariya Chhetra Sector I, Aliganj, Lucknow.
3. Mahanideshak Bhartiya Bhu Vaigaik Sarvekshan 27 Jawahar Lal Nehru Road, Kolkatta.

... Respondents.

By Advocate: Shri S.P. Singh for Dr. Neelam Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed the OA with a prayer to quash the impugned order dt.10.04.2008 (Ann.-A-1) with a direction to the respondents to consider the candidature of the applicant on suitable post under dying in harness rules on the ground that the respondent No.2 wrongly rejected the claim of the applicant on the very same

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ground on which this Tribunal directed the respondents to re-consider the claim of the applicant.

2. The respondents have filed detailed Counter Affidavit, denying the claim of the applicant stating that the Circle Relaxation Committee (CRC) did not recommend the case of the applicant for compassionate appointment and as such his claim was rejected with reasoned order.

3. The applicant has filed Supplementary Affidavit stating that after the death of his father the Respondent No.2 made appointment of Class IV employees, peon, Mali, Cleaner and Chokidar and one Sanjay Kumar was appointed as Cleaner on 18.5.2006 under compassionate ground and filed copy of the order dt.18.5.2006 as (Ann.-SA-1).

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 father of the applicant Late Ram Bharosey Dixit, while working as Driver in the office of Respondent NO.2 died on 14.12.2002 leaving behind two sons, one daughter and her wife. The applicant is the eldest son of the deceased employee. The applicant made representation for his appointment on compassionate ground under dying in harness rules in the year 2004 but the same was rejected on 12.6.2006 and the same was also subsequently, informed to him vide order dt.13.10.2006 but the applicant filed OA.No.550/2006 against the rejection order dt. 13.10.2006 on the file of this Tribunal and the same was disposed of

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with a direction to the respondents to re-consider the claim of the applicant for his appointment on compassionate ground within a period of three months. Ann.-A-10 is the copy of order dt. 8.2.2008. In pursuance of the direction of the Tribunal, the respondent authorities have placed the matter before CRC for re-consideration. Upon which, the committee, which met on 10.03.2008 re-considered the claim of the applicant and passed order rejecting the claim of the applicant stating that both the sons of the deceased are major and daughter was already married and the family is getting family pension of Rs. 5652/- per month and the claim of the applicant is not fit for compassionate appointment, which is impugned order (Ann.-A-1).

7. From the reading of impugned order, it is clear that the compassionate appointment committee reconsidered the claim of the applicant on 10.03.2008 and after giving reasons they found that the claim of the applicant is not fit for compassionate appointment. In respect of the reasons, the committee stated that both the sons of the deceased employee including the applicant are major and their sister was already married and their family was receiving monthly pension of Rs. 5652/- per month and thus, rejected the claim of the applicant. From this, it is clear that the respondents have furnished the reasons for not considering the claim of the applicant for appointment on compassionate ground and also stating that they will not fall under the category nor facing any hardship under the said scheme. In respect of earlier rejection order dt. 12.06.2006 and

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13.10.2006, which were under challenge in O.A.No.550/2006, no reasons have been assigned for rejection of the claim of the applicant and as such in the instant case, the authorities have passed order with reasons and as such there is no justification in the arguments advanced by the applicant that the present rejection order is similar to the order which he challenged in earlier OA. Thus, there is no justified grounds for interference of this Tribunal. In view of the above circumstances, OA is liable for dismissal.

In the result, OA is dismissed. No costs.



**(M. KANTHAIAH)**  
**MEMBER (J)**  
05-06-2009

/amit/.