

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 213/2008

This the 19th day of January, 2010

Hon'ble Dr. A.K. Mishra, Member(A)

Rakesh Kumar Singh, Aged about 36 years, S/o late Sri Ram Tej Singh, R/o House no. L/36 GSI Colony, Sector Q, Aliganj, Lucknow, presently residing at Sector 19, House no. 19/662, Indira Nagar, Lucknow.

.....Applicant

By Advocate: Sri S.K. Verma.

Versus

1. Union of India through Director General, Geological Survey of India, Northern Region, Sector 'E', Aliganj, Lucknow.
2. Dy. Director, General, Geological Survey of India, Northern Region, Sector 'E', Aliganj, Lucknow.
3. Administrative Officer Gr.I, General, Geological Survey of India, Northern Region, Sector 'E', Aliganj, Lucknow.

.....Respondents

By Advocate: Sri Vishal Choudhary

ORDER

The applicant has challenged the order dated 6.6.2007 of respondent no.4 in which the representation of the applicant for compassionate appointment was rejected. He has prayed to quash the impugned order and to direct the respondents to consider the case of the applicant afresh for appointment on compassionate ground.

2. The father of the applicant was a Group 'D' employee under the respondent- authorities. He died in harness on 1.8.2005 after serving for more than 25 years. The applicant first made an application for appointment on 15.4.2006. The respondent no.3 asked him on 25.8.2006 to complete all formalities. The applicant was again reminded on 12.9.2006 and 19.1.2007. In response to the last letter from the respondent no.3, the applicant submitted the requisite documents/ information. The case of the applicant was placed before the committee which considered all such applications. It came to the conclusion that keeping in view the family responsibilities of the

applicant and the instructions issued by the department from time to time governing the subject of compassionate appointment, the case of the applicant was not considered appropriate for compassionate appointment. The committee did not recommend his case and accordingly his representation was rejected.

3. The applicant challenges the impugned order on the ground that he is facing financial hardships in the absence of his father, who was the earning member of the family; and that he had no source of income to maintain his family. He claims that he was entitled to appointment under dying in harness rule and non-consideration of his application in this regard was illegal and without proper application of mind.

4. The O.A. filed by the applicant does not reveal any details about his family or his responsibilities. However, at the time of hearing, the learned counsel for the applicant states that the deceased employee had two sons, the applicant being younger of the two. At the time of filing of this application, he was about 36 years of age and had separate family of his own having his wife and children. In other words, at the time of death of the government servant, his family consisted of two adult married sons; both of them were having their separate families. Except for making a statement that the applicant was undergoing financial hardships, he has not given any further details about his family or his brother's family and his present occupation and assets etc.

5. In any case, the settled position is that appointment on compassionate ground is not a matter of right. It is not in every case that one of the members of the family of the deceased government servant is entitled to a government job. It is only those cases where the families are reduced to utter indigence because of sudden death of earning member of the family that a member of such family could legitimately seek compassionate appointment under 5% quota earmarked for the purpose. The committee constituted for the purpose looks into all the factors such as the number of family members to be supported, number of minor children, unmarried daughters and extent of assets owned by them etc. From the O.A., it does not come out how the applicant, who is an adult son of more than 30 years of age at the time of death of his father, having a family

of his own, no responsibilities to maintain either the widowed mother or other minor children left by his father, could claim the benefit of compassionate appointment. It was admitted at the time of hearing that the applicant's mother is no more.

5. In the circumstances, I do not find any sufficient reason to interfere with the decision of respondent-authorities. The application is accordingly dismissed. No costs.


(Dr. A.K. Mishra)
Member-A

Girish/-