

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH

Original Application No.1228/92.

Shri M.B.Sonavane. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Applicant by Shri G.D.Samant.

Respondents by Shri M.Karnik.

Oral Judgment:-

[Per Shri M.Y.Priolkar, Member(A)] Dt. 13.9.1993.

Heard counsel for the parties.

2. The applicant in this case who had applied for compassionate appointment is aggrieved with the order of the Respondents dt. 24.9.1991 in which the application has been rejected on the ground that there was already one earning member of the family of the deceased and that the family has not been found to be in indigent condition.

3. The learned counsel for the applicant sought to rely on a Judgment of the Kerala High Court in G.S.SURESH KUMAR V/S. STATE OF KERALA (1992 Lab.I.C. 2349) in which it has been held that consideration of annual income of family immediately prior to government servant's death before a specified date will be discriminatory and violative of Article 14.

4. Evidently, the Judgment is in the context of Employment Assistance Scheme of the State Government where there had been a revision in some clause of the scheme with a particular cut off date. It is not the applicant's case that the Central Government scheme for compassionate appointments is also on similar lines

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and that there has also been a similar revision regarding the criteria to be adopted for this purpose in the Central Government scheme. The Judgment cited cannot therefore be of any assistance to the applicant in this case.

5. The finding of the High Power Committee of the Respondents is very specific that the family has not been found to be in indigent condition which is the essential condition under the Central Government scheme for the purpose of grant of compassionate appointment. Obviously, this is at the discretion of the competent authority and unless it is established that the discretion exercised has been arbitrary, malafide or unreasonable, there is hardly any ground for interference by this Tribunal. In the present case, nothing has been brought to my notice to show that the discretion exercised is arbitrary or unreasonable. I find no merit in this application, which is dismissed summarily at the admission stage itself. No order as to costs.


(M. Y. PRIOLKAR)
MEMBER (A)

B.