

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH  
JAIPUR.

O.A.No.1116/92

Dt. of order: 4.1.1994

Srinarain Maheshwari : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.V.K.Jain : Counsel for applicant

Mr.V.S.Gurjar : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Srinarain Maheshwari has filed this application under Sec.19 of the A.Ts Act, 1985, praying for grant of compassionate appointment to a suitable post in relaxation of recruitment rules.

2. The case of the applicant is that his father Shri Shridhar Gopal Maheshwari was working as a Stenographer in the office of the General Manager Telecom, District Jaipur, when he unfortunately expired on 8.6.82. The applicant was then a minor and on attaining majority he applied for a post on compassionate basis on the ground that his elder brother although in service being separate from the family the applicant was unable to maintain the same as the pension amount was meagre and he had to get his sister married after the death of his father. The applicant had already given his consent for appointment to the post of a Clerk and he had sent the pay slip of his elder brother as required by the respondents. However his requests for appointment on compassionate ground was turned down for the reason that there was already one earning member in the family of the deceased.

3. In their counter the respondents have stated that the elder brother of the applicant is serving in the ~~Civil~~ Police Department on the post of Sub Inspector and his

monthly basic salary being Rs.1200/-, the applicant's requests for appointment on compassionate ground cannot be acceded to. It is also alleged that the applicant's matter was considered by the higher power committee which after taking into consideration of the relevant materials rightly rejected the applicant's claim.

4. We have heard the learned counsel for the parties and perused the records. Now it is to be seen as to how far the applicant has been able to make out a case for grant of appointment to the post of a Clerk on compassionate basis. The mere fact that the applicant's elder brother was already in service at the time of his father's death was no ground for rejecting the applicant's request for grant of compassionate appointment. It is true that the family of the deceased was in receipt of certain dues to the tune of Rs.41,090.50 after the death of the deceased government servant, but it should not be lost sight of the fact that the applicant had got his sister married after the death of his father. The object of granting compassionate appointment is to redeem the family in distress. In these days due to spiral rise in the prices of consumer goods the meagre monthly pension of Rs.550/- per month is not sufficient to meet the requirements of a family. The widow of the deceased government servant is still alive and the applicant has to support her since his elder brother is living separately from the family of the deceased government servant. In view of these facts we find that the applicant's case appears to be a deserving one.

5. In the result we direct the respondents to reconsider the applicant's case for grant of appointment to a suitable post commensurate with his educational qualifications on compassionate basis in relaxation of recruitment rules within a period of 4 months from the date of receipt of a copy of this order. The O.A. is disposed of accordingly with no order as to costs.

(O.P. Sharma)  
Member (A)

Gopal Krishna  
(Gopal Krishna)  
Member (J)