

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

CA No. 483/93 : Date of order 18.7.94

Dinesh Kumar Lakhera : Applicant

v/s

Union of India & Others : Respondents

Mr. Anil Khanna : Counsel for the applicant

Mr. S.S. Hassan : Counsel for the respondents.

CORAM

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

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

Applicant Dinesh Kumar Lakhera has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to appoint him to any class IV post on compassionate basis.

2. I have heard the learned counsel for the parties and have gone through the records of the case carefully.

3. The father of the applicant, Shri Ram Ji Lal 'C' was a clerk in the Carriage and Wagon Department at Gangapur City in the Kota Division of the Western Railway when he died in the KEM Hospital, Bombay on 14.7.79. The applicant was aged six years when his father had expired. The mother of the applicant made representations from time to time but the representations evoked no response. The applicant claims that he is eligible for appointment to a class IV post as he is educated upto VIIIth Class. The respondents have contested this application. It is stated by them that upon the receipt of representations, the Welfare Inspector was asked to collect the service particulars of the deceased employee and that his widow was asked to produce the school certificate of Km. Urmila, an unmarried daughter of the deceased, and after it was submitted by her, the matter was referred for consideration to the concerned higher authorities. The

request for compassionate appointment was not acceded to by the respondents vide Annexure R-1 dated 25.2.92.

4. The only ground which can justify the grant of appointment on compassionate considerations is the penurious condition of the family of the deceased. Neither the qualifications of his dependant nor the post which he held is relevant. No averment has been made in the application that the applicant needs immediate appointment on grounds of immediate need of assistance in the event of there being no other bread winner in the family.

Compassionate appointment cannot be claimed as a matter of right. The applicant has not been able to make out a case for grant of appointment on compassionate basis.

5. The application is devoid of substance and it is, therefore, dismissed at the stage of admission with no order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
MEMBER (J)