

Date of Decision: 17.12.1993.

OA 578/93

MAHAVEER PRASAD JAIN

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

For the Applicant

... SHRI M.L. PAREEK.

For the Respondents

... Shri C.B. Sharma,
Addl. Officer Incharge,
Departmental Representative.

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

Applicant Mahaveer Prasad Jain s/o Late Shri Gadmal Jain, who had worked as a Group-D official at Sumerganj Mandi Post Office, District Bundi, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for his appointment to any Group-D post in the Department of Posts on compassionate grounds.

2. The case of the applicant is that his father Shri Gadmal Jain, who was holding a Group-D post under the respondents, had expired on 23.11.88 while in service leaving behind his widow, three sons and three daughters. The sudden reduction in income from Rs.2000/- p.m., which the father of the applicant used to draw, to Rs.900/- p.m., which the widow is now getting by way of pension and dearness relief thereon, has put the family in indigent circumstances. Applicant's three sisters have been married. The eldest brother of the applicant could not acquire much education to render himself eligible for any job. His younger brother Ashok Kumar Jain had previously applied for appointment on compassionate basis but his request was turned down by the Chief Postmaster General, Rajasthan Circle, Jaipur vide Annexure A-6 dated 23.3.90. It is contended by the applicant that his brothers are jobless and without any land and that there

is no other bread winner for the family, which is facing great hardship in these days of soaring prices of consumer goods.

3. The application has been opposed by the respondents. Their contention is that the applicant's case for appointment on compassionate basis has been duly and properly considered by the Circle Selection Committee but the same was rejected on the ground that the three brothers are already doing jobs. It is pleaded that all the three sisters of the applicant have already been married and the applicant himself got married after the death of his father and if the family had been in indigent circumstances and in great distress, the question of marriage of the applicant would not have arisen at all as it required considerable expenditure. It is stated that the family left by the deceased Govt. servant had been able to manage its affairs without any difficulty after his death and as such no case for grant of the relief claimed by the applicant is made out.

4. I have heard the learned counsel for the applicant and the departmental representative on behalf of the respondents. I have gone through the records carefully.

5. The question which requires consideration relates to the grant of compassionate appointment to the applicant. The father of the applicant was a Group-D employee in the Department of Posts. He was unquestionably a low paid employee. He had expired while in service leaving behind his widow, three sons and three daughters. The brothers of the applicant are unquestionably not in any Govt. service. It is true that the widow of the deceased Government servant is drawing pension. She had received certain dues also after the death of her husband. It is urged on behalf of the respondents that the family cannot be said to be indigent as the widow of the deceased employee had received the dues and she also receives *C.K. Krishna* family pension. The fact that the widow and her sons had

somehow managed to live for some time after the death of Shri Gadmal Jain is no ground for denying the claim for grant of compassionate appointment as a Group-D employee. The amount of pension, which the widow of the deceased Government servant is receiving, is quite meagre. Taking into consideration the spiral rise in the prices of consumer goods and the fact that the applicant is already married and he has his wife also to support, I feel that the present case is a deserving one.

6. In the conspectus of the facts stated above, the application is allowed with a direction to the respondents to consider afresh the case of the applicant Mahaveer Prasad Jain for compassionate appointment after carefully verifying the relevant facts, as expeditiously as it is possible. There shall be no order as to costs.

G. Krishna
(GOPAL KRISHNA)
MEMBER (J)