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Date of Decision: 17.8.94.

OA 706/93

ANANDI LAL SHARMA ... APPLICANT.

Vs.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

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

For the Applicant ... SHRI P.N. MATHUR.

For the Respondents ... SHRI U.D. SHARMA.

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

Applicant Anandi Lal Sharma, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the respondents to reconsider his case for appointment on compassionate grounds as also for a direction to give appointment to him to any suitable Group-C post.

2. I have heard the learned counsel for the parties and have carefully perused the records.

3. Shri Ram Karon Sharma was the father of the applicant. He was holding the post of Section Supervisor in the office of the Chief General Manager (Telecommunication), Jaipur, when he died on 6.4.91. The applicant pleads that since his two elder brothers are living separately and they are not well placed, he, being the youngest son of the deceased Government servant, may be given appointment on compassionate basis as he is willing to take the responsibility of his mother. The applicant has already passed the Higher Secondary Examination from the Board of Secondary Education. His mother applied for grant of compassionate appointment to the applicant on 1.8.91 and thereafter on 8.5.91 but her request was rejected vide Annexure A-1 dated 24.7.92. The learned counsel for the applicant contended that the respondents have failed to consider the applicant's case in an objective manner despite directions from the Minister of Telecommunications and the applicant, being a son of the deceased government employee and for the reason that he is un-employed and his mother is totally dependant upon him, is entitled to get appointment on compassionate basis. It is also urged that the applicant is leading a miserable life and he is in urgent need of employment to sustain himself.

4. The respondents have resisted this application. It is stated by them that the representation Annexure R-1 given by the applicant's mother had been duly and properly considered by the High Power Committee of the Department of Telecommunication, New Delhi, and the same was rejected on the consideration that out of the three sons of the deceased government servant two sons were already employed and the family was receiving Rs.1728/- p.m. as family pension. The decision on the representations made by the applicant and his mother was conveyed to the applicant vide a

communication dated 8.12.93 (Annexure R-4).

5. It must be noted at the very outset that appointment on compassionate considerations cannot be claimed as a matter of right. The object of granting appointments on compassionate grounds is to redeem the family in distress. An appointment on compassionate grounds can be made in exceptional cases when the department is satisfied that the condition of the family is indigent and the family needs immediate financial assistance. The two elder brothers of the applicant are already employed. There is no cogent evidence on record to establish that the two elder brothers of the applicant have severed their relations with their mother and the applicant. The family of the deceased Govt. servant has already received the following benefits on his death :-

(i)	Group Insurance Scheme	- Rs.22,764/-
(ii)	Gratuity	- Rs.66,000/-
(iii)	Provident Fund	- Rs.15,240/-
(iv)	P.L.I.	- Rs.11,644/-
(v)	Leave Encashment	- Rs.19,932/-

The applicant's mother is receiving Rs.1728/- p.m. as family pension. The applicant's case has already been considered by the High Power Committee and it has been rejected on <sup>the</sup> grounds stated in the communication dated 4.11.93 (Annexure R-3). The applicant got married after death of his father. The mere fact that the elder brothers of the applicant were not given appointment on compassionate basis does not entitle the applicant to claim the same in case the family of the deceased is not in indigent circumstances. This benefit cannot be claimed by the applicant merely on the ground that his two elder brothers are not suitably employed or on the ground that their salaries are inadequate for the maintenance of their own families. The sister of the applicant is already married.

6. In view of the facts stated above, it cannot be said that the condition of the family of the deceased is penurious. To give a compassionate appointment in the instant case was the discretion of the respondents and if they have refused it on a consideration of all the relevant facts and circumstances, this Tribunal would not be justified in inflicting it upon them.

7. For the reasons stated above, this application is hereby dismissed with no order as to costs.

G. Krishna  
(GOPAL KRISHNA)  
MEMBER (J)