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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 102/93 : Date of order 25.8.94

Mukesh Kumar Indoliya : Applicant

v/s

Union of India & Others : Respondents

Mr. Virendra Lodha : Counsel for the applicant

Mr. U.D. Sharma : Counsel for the respondents.

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

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

Applicant Mukesh Kumar Indoliya has prayed in this application u/s 19 of the Administrative Tribunals Act, 1985, for quashing the letter dated 14.5.92, by which his request for appointment was rejected as also for a direction to the respondents to give appointment to him to the post of a Lower Division Clerk on compassionate consideration.

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

3. The applicant's case is that his brother, Shri Rajesh Sharma was appointed as Investigator in the NSSO (FOD) and posted at Alwar. He had joined on 28.1.91 but while on duty he fell ill due to sunstroke and ultimately died on 27.6.91. It is stated that the applicant's deceased brother used to maintain his two sisters, who were prosecuting their studies, and the grand-mother, as the father of the applicant is serving merely as a Clerk and he is a low paid employee. It is further stated that the income of the father is not adequate to maintain the family. The applicant after passing Higher Secondary Examination from the Board of Secondary Education, Rajasthan, Ajmer, passed the Trade Certificate Course in the trade Draftsman (Civil) vide Annexures A-4 and A-5. The applicant claimed grant of appointment as a Lower Division Clerk on compassionate considerations. However, in spite of the alleged assurances, his request for grant of appointment was not acceded to vide Annexure A-1 dated 14.5.92.

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4. The respondents have resisted this application and have stated that the applicant's father is already employed and the deceased Shri Rajesh Sharma had no family and he had not been supporting the applicant, his sisters and the grand-mother. In fact the applicant's father being an earning member has been supporting the members of his family because the deceased brother of the applicant had been employed only for six months. It is further stated that the applicant's case for appointment on compassionate considerations was rejected after having been duly and properly considered by the Competent Authority.

5. An appointment on compassionate ground can be made in exceptional cases when the Department is satisfied that the condition of the family is indigent. The averment made by the applicant that his deceased brother was supporting the applicant, his two sisters and his grand-mother is not tenable since the father of applicant is alive and he is serving as a Clerk. The applicant has not given full particulars about the income of his father. The applicant has also not stated as who had given assurance to him in regard to this claim for appointment. The applicant might be eligible for being appointed to the post of a Lower Division Clerk or some other post but it does not mean that he has ~~is~~ acquired any right to appointment on compassionate basis. Once the respondents have refused ^{to} grant appointment on compassionate basis on a consideration of all the relevant facts and circumstances, this Tribunal would not be justified in directing them to grant such appointment.

6. This application is devoid of force and it is, therefore, dismissed at the stage of admission, with no order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
MEMBER (J)