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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.306/93

Dt. of order: 27.5.93

Nawal Kishore Solanki : Applicant

Vs.

Union of India & Anr. : Respondents

Mr.Himmat Singh : Counsel for applicant

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

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

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

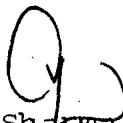
Applicant Nawal Kishore Solanki, has filed this application under Sec.19 of the Administrative Tribunals Act, 1985 for grant of appointment to a Group-C post on compassionate ground.

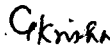
2. The averments of the applicant are that his father late Shri Devi Lal Solanki was an Electrical Loco Chargemen (ELC) in Western Railway, Jaipur and while in ~~his~~ service he suffered a massive heart attack and died on 15.5.1983, leaving behind his widow Mrs. Ram Pyari, five sons namely Prabhu Dayal, Bhagat Singh, Ram Kumar, Laxman Kumar, Nawal Kishore Solanki and three daughters namely Smt.Raj Kumari, Smt.Ganga Devi and Mrs. Jamna. His elder three sons namely Prabhu Dayal, Bhagat Singh and Ram Kumar were already employed and all the three daughters were married and they lived with their husbands. The application is based mainly on the ground that the widow of the deceased government servant had been living with her two unmarried sons namely Laxman Kumar and Nawal Kishore Solanki and she is dependent upon them. The request for grant of compassionate appointment was turned down by the respondents on 3.8.92 vide Annexure:A-1. The request of the applicant's mother for

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grant of compassionate appointment to the applicant was turned down on the ground that the applicant had already attained majority on 11.3.87 and therefore, the prayer for grant of this concession was not accepted due to belatedness. The deceased government servant had expired on 15.5.83 and thereafter his family had managed its affairs till date. The daughters of the deceased government servant were already married during his life time. **There** are no averments to the effect that the 3 elder sons of the deceased namely Prabhu Dayal, Bhagat Singh and Ram Kumar, were living separately from their mother and unemployed brothers and they were not supporting them. No circumstances have been indicated in the body of the petition from which it can be inferred that the family of the deceased government servant is still in indigent circumstances and it needs immediate assistance. An appointment on compassionate grounds can be made in exceptional cases when the department is satisfied that the family is in great distress and it needs grant of compassionate appointment. To give compassionate appointment in the instant case lay in the discretion of the respondents and if they have refused it on a consideration of all the facts and circumstances, this Tribunal would not be justified in imposing it upon them.

3. We do not find any substance in the petition and therefore it is dismissed at the admission stage.


(O.P. Sharma)
Member (A)


(Gopal Krishna)
Member (J).