

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Date of order : 20.5.1994.

O.A. No.401/1993

ASHOK KUMAR JAIN : Applicant

Vs.

UNION OF INDIA AND ANR. : Respondents

CORAM :

The Hon'ble Mr. Gopal Krishna, Judicial Member

The Hon'ble Mr. O.P. Sharma, Administrative Member

For the applicant : Mr. Prahlad Singh

For the respondents : Mr. U.D. Sharma

PER HON'BLE MR. GOPAL KRISHNA, JUDICIAL MEMBER :

Applicant Ashok Kumar Jain has prayed for grant of appointment on compassionate considerations to a Group 'C' post in this application filed under section 19 of the Administrative Tribunals Act, 1985.

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

3. The learned counsel for the respondents has raised a preliminary objection that the application is barred by limitation. The applicant's father Shri Tej Singh Dagaliya expired on 6.3.70 while in

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service as Auditor. He was posted in the office of the Accountant General for Rajasthan at Jaipur. At the time of the death of his father the applicant was only 11 months old, his date of birth being 6.4.69. The applicant on attaining majority and the requisite qualification applied for appointment on compassionate basis vide his application in May 1991. The same was rejected by the respondent no.2 vide his communication dated 24.2.1992 (Annex.A/1). Subsequently, the applicant made representations to the higher authorities from time to time but they yielded no results. The present application was filed on 9.7.93. Since a representation to the same authority against the impugned decision dated 24.2.92 was made on 1.12.92 we deem it proper to condone the delay if any in making this application at the oral request of the learned counsel for the applicant taking into consideration all the facts and circumstances of the case.

4. The applicant was an infant when his father had died on 6.3.70. His family consists of himself and his mother. His mother is receiving a family pension of Rs.600/- per month. The applicant claims that he is in ~~an~~ indigent circumstances. The contention of the respondents is that the applicant's father had remarried on the death of his first wife from whom he had two sons who are already in service and as such the applicant cannot claim any appointment

on the ground of compassion. The learned counsel for the applicant has stated that the two sons from the first wife of the applicant's father had been living with their grand mother (maternal) and they are not residing with the applicant and his mother. The fact that the family had somehow managed its affairs ^{the} after/death of the applicant's father on 6.3.70 till the applicant applied for dis- appointment on compassionate basis does not entitle the applicant to claim such an appointment. The applicant's mother is receiving a meagre ~~sum~~ of Rs.600/- per month by way of pension. In these days of spiral rise in the prices of consumer goods the amount which the applicant's mother is presently receiving as monthly family pension is not adequate to meet the requirements of the family. The applicant's request for appointment on the ground of compassion was rejected merely on administrative grounds without assigning any other reasons.

5. In view of the facts and circumstances stated above, we direct the respondents to re- consider the applicant's case for grant of appointment on the ground of compassion to a suitable post as per rules, instructions and guidelines on the subject after verifying all the relevant facts. The respondents are directed to take a fresh decision in this regard under intimation to the applicant within a period of four months from today.

6. The O.A. stands disposed of with no order as to costs.

(O.P.Sharma)
Adm. Member

Chakraborty
(Gopal Krishna)
Judl. Member