

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 409/93

: Date of order 28.11.94

Chandra Prakash

: Applicant

V/s

Union of India & Others

: Respondents

CORAM

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

Hon'ble Mr. B.N. Dhoundiyal, Member (Administrative)

For the Applicant

: None

For the Respondents

: Mr. U.D. Sharma

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

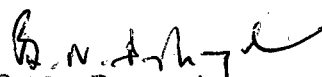
Applicant Chandra Prakash in this application u/s 19 of the Administrative Tribunal's Act, 1985, has prayed for a direction to the respondents to grant appointment to him on compassionate grounds.

2. None is present for the applicant. We have heard the learned counsel for the respondents and have carefully perused the records.

3. The ~~contentions~~ of the applicant are that his father, Shri Satya Narayan Joshi, while working as Mail-overseer had expired on 14.7.90. His mother, Smt. Shanti Devi, moved an application for appointment of the applicant on compassionate basis but it was rejected by respondent no.2 on the ground that the applicant's brother is employed in a Cinema and is also an owner of a bus. The applicant then represented to respondent no. 2 but it evoked no response. The rejection of the request for grant of compassionate appointment has been challenged as being illegal. It is contended by the applicant that his two elder brothers, Gopal Lal and Mahesh Kumar are low paid employees and are residing separately from him and his mother. The applicant claims ^{that} there is no bread winner in the family to support the widow of the deceased employee and his two younger sons, Hari Narayan and Murari Lal. On the contrary,

the respondents have stated in the reply that his elder brother, Mahesh Joshi, owns a Bus no. 4951 and the other elder brother, Shri Gopal Joshi, works as a Conductor thereon. It is also stated that the mother of the applicant is receiving a family pension of Rs. 575/- The applicant has not produced any material to show that his elder brothers are low paid employees. It is also stated that the entire matter was duly and properly considered. However, it is evident that the applicant's two brothers, Gopal Lal and Mahesh Kumar are already employed and the applicant's mother is drawing a family pension of Rs. 575/-. An appointment on compassionate grounds can be made in exceptional cases when the Department is satisfied that the family is in indigent condition and it needs immediate financial assistance. The rejection of the applicant's request for grant of compassionate appointment is not tainted with arbitrariness.

4. In view of the above discussion, the application is without merits and the same is hereby dismissed with no order as to costs.


(B.N. DHONDIYAL)
MEMBER(A)


(GOPAL KRISHNA)
MEMBER(J)