

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00164/2015

Order Reserved on: 14.9.2016

Date of Order: 20.09.2016

20.09.2016

CORAM

**Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Shekhar Yadav S/o Late Shri Ravindra Singh Yadav, aged about 27 years, resident of Near House of Sohan Lal ji Thanedar, Mitra Nagar, Ratidang, Vaishali Nagar, Ajmer.

.....Applicant

(By Advocate Mr. Vinod Goyal)

VERSUS

1.Union of India, through General Manager, North Western Railway, Jawahar Circle, Jaipur.

2.The Chief Workshop Manager, Northern Western Railway, Ajmer.

.....Respondents

(By Advocate Mr. R.G.Khinchi)

**ORDER**

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved with the denial of appointment on compassionate grounds vide order dated 06.08.2014 (Ann.A/1)and praying for the following reliefs:-

8. (i) By an appropriate order or direction, the respondents be directed to accord appointment to the applicant on compassionate ground after giving due consideration on any suitable post. The impugned communication dated 06.08.2014 (Ann.A/1) be quashed and set aside.

(ii) Any other order which appears to be just and correct in the interest of justice may also be passed.

2. Heard. When the matter came up for consideration and hearing, the Ld. Counsel for the applicant submitted that Shri Ravindra Singh Yadav, father of the applicant died on 12.09.1989 while working as

Group D Khalasi in the Railways. The applicant at that time was just about one and half year old. Later, after attaining majority the applicant applied for the compassionate appointment but this was objected to by Shri Dheeraj Yadav. Counsel for applicant submitted that Shri Dheeraj Yadav is the son of first wife (Smt. Vedvati who died earlier) of the father of the applicant and the applicant is the son of Smt. Indira Devi, 2<sup>nd</sup> wife of late Shri Ravindra Yadav. When the applicant applied for compassionate appointment and the respondents were investigating the same, Shri Dheeraj Yadav objected to the said appointment and rather prayed for his own appointment. When the respondents were processing the case of Shri Dheeraj Yadav, it was found that Shri Dheeraj Yadav has submitted false documents regarding his educational qualifications, as it may be seen from Ann.A/5 that the 8<sup>th</sup> pass certificate was found to be false and the school authorities clearly stated that he never studied in their school. Counsel for the applicant submitted that Shri Dheeraj Yadav was not given the appointment because of the false certificates and only that ground there was no justification for the respondents not to consider the case of the applicant for compassionate appointment. He contended that his case has been rejected vide Ann.A/1 dated 06.08.2014 only on the ground that it is a disputed case but there is really no dispute. As the documents of Shri Dheeraj Yadav were found to be false, the applicant can very well be considered as he has due educational qualifications and his mother has also recommended for the same. Counsel for the applicant also contended that there is no delay because though the father of the applicant died in the year 1989 but he was only one and half year old at that time and even referred to Ann.A/8 where it is provided that compassionate appointment can be considered even upto 25 years after the death of the Government servant. He, therefore, prayed that Ann.A/1 be set

directed to consider the case of the applicant for compassionate appointment.

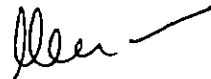
3. Per contra, counsel for respondents submitted that it is clearly a disputed case. When the applicant applied for compassionate appointment, Shri Dheeraj Yadav his elder brother (born from wedlock of the deceased Government servant and his first wife Smt. Vedvati) objected to it and filed a letter dated 26.8.2012 (Ann.R/1) seeking compassionate appointment for himself. Thereafter, when investigations were made, the educational qualification documents of Shri Dheeraj Yadav were found to be false as per Ann.A/5, school report dated 08.10.2012 and further even the applicant and his mother Smt. Indira objected to it as per Ann. R/3 letter dated 13.10.2012. In cases in which any false information is given by a member of the family, then no such member of the family can be considered for compassionate appointment. These instructions have also been reiterated in para 12 of instructions issued later in letter dated 12.02.2015 (Ann.R/2). Therefore, as the sons of deceased Government servant objected to each other being given compassionate appointment and the case of one family member has been found to be based on wrong and false certificates, the case of the applicant being the other son has been correctly rejected vide Ann.A/1 order dated 06.08.2014 and prayed for the dismissal of the OA.

4. Considered the aforesaid contentions and perused the record. It is noted that when the applicant Shekhar Yadav, after attaining majority applied for compassionate appointment, his elder brother Shri Dheeraj Yadav (though born from Smt. Vedvati first wife of the deceased Government servant) objected to the same as is seen from letter dated 26.08.2012 Ann.R/1. Thereafter during investigation of the documents filed by Shri Dheeraj Yadav, his educational certificate was found to be false, as is evident from Ann.A/5 which is the report of the concerned

school authorities. Therefore, Shri Dheeraj Yadav was not considered for compassionate appointment.

5. It has been the case of applicant that it is not a case of dispute as averred by the respondents because his elder brother submitted false documents and his case was rejected accordingly and the same cannot be said to be covered under point No.12 of the instructions dated 12.02.2015 issued as at Ann.R/2. However, it is seen that when Shri Shekhar Yadav, the applicant applied, Shri Dheeraj Yadav objected to him being given compassionate appointment and when Shri Dheeraj Yadav's case was considered, it is noted apart from documents being found false, the applicant and his mother Smt. Indira Devi also objected to the same as is seen from letter dated 13.10.2012 (Ann.R/3). In view of the above position it appears clear that not only did Shri Dheeraj Yadav object to the appointment of the applicant Shri Shekhar Yadav, but when the case of Shri Dheeraj Yadav was under investigation, the applicant also objected to it as is evident from Ann.R/3. Thus it is clearly a case of dispute between the family members. It is also noted that the case of the applicant has not been rejected on the ground of delay or laches. Keeping in view the instructions dated 12.02.2015 as at Ann.R/2 the decision of the respondents as at Ann.A/1 dated 06.08.2014 treating the case as disputed appears to be fair and just and there are no grounds to set it aside or grant any relief as prayed for in the OA.

Accordingly, the OA lacks merit and is dismissed with no order as to costs.

  
(Ms. Meenakshi Hooja)  
Administrative Member

Adm/