

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIPUR.

* * *

Date of Decision: 17.12.97

OA 385/96

Roshan Lal Yadav s/o Late Shri Kanhya Lal Yadav, r/o 725, Putubpur Chopar Ahir, Rewari.

... Applicant

Versus

1. Union of India through Director General Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Rajasthan Telecommunication Circle, Jaipur.
3. Telecommunication District Engineer, Alwar.
4. Sub Divisional Officer, Telecommunication, Bhiwani, Alwar.

... Respondents

CORAM:

HON'BLE MR. GOFAL FRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. Rakesh Sharma

For the Respondents

... Mr. K.N. Shrimal

O R D E R

PER HON'BLE MR. GOFAL FRISHNA, VICE-CHAIRMAN

Applicant, Roshan Lal Yadav, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the order dated 12.6.95, at Annexure A-1, by which his request for grant of appointment on compassionate basis was rejected by the High Power Committee. The applicant has also prayed for a direction to the respondents to give appointment to him to a suitable job on compassionate considerations.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. The case of the applicant is that his father, Late Shri Kanhya Lal Yadav, died on 22.12.93 while he was in the service of the respondents and at the time of his death he was holding the post of Technical Supervisor in the office of the District Telecommunication Engineer at Alwar. Immediately thereafter, the applicant's mother, Smt. Sarti Devi, made an application to the Sub Divisional Officer (Telecommunication), Bhiwani, for applicant's appointment on compassionate basis alongwith the required documents. The aforesaid application was forwarded to the higher authorities of the department. It is contended by the applicant that there is no earning member in the family. Applicant, his younger brother and his sisters are unemployed and the family being in straitened circumstances, the applicant had to request the department for grant of appointment on compassionate basis. Thereafter, an Inspector of the

Grave

department was sent to make enquiry regarding the financial condition of the deceased family. It is also stated that the impugned decision of the department and the rejection of the applicant's request for appointment on compassionate basis are contrary to the report submitted by the Inspector. On the contrary, the respondents have stated that the applicant's case was considered by a High Power Committee of Rajasthan Telecom Circle on 26.9.94. It was on the recommendations of the committee that a Welfare Inspector of the department made an investigation regarding the financial condition of the deceased family and he had reported that the deceased family has a Pan Shop, ten and a half bighas of land and two residential houses. A lump sum amount of Rs.128114/- was paid as Death-cum-Retirement Gratuity, General Provident Fund, Central General Employees Insurance Scheme etc. to the family of the deceased and the widow of the deceased employee is getting Rs.1926/- per month as family pension. After receiving the report of the Welfare Inspector, the case of the applicant was again considered by a duly constituted High Power Committee of the Rajasthan Telecom Circle on 13.3.95. The High Power Committee found that the family of the deceased was having sufficient source of income and it was not in indigent condition.

4. The learned counsel for the applicant has urged that there are two daughters of the deceased employee who are unmarried and the family is not able to make its both ends meet after the death of the applicant's father. But it is borne out by the record that the widow of the deceased is getting Rs.1926/- per month as family pension and a sum of Rs.128114/- was received by the family of the deceased by way of other pensionary benefits. It is also true that the family of the deceased has two residential houses and ten and a half bighas of land. In the circumstances, it cannot be said that the family of the deceased is in fact in a penurious condition and it needs immediate financial assistance. Once a High Power Committee has thoroughly examined the applicant's case for grant of appointment on compassionate basis and found that the circumstances of the family are not indigent, I find no justifiable ground to direct reconsideration of the case. This application is without merits. It is, therefore, dismissed with no order as to costs.

Chokhane
(GOPAL KRISHNA)
VICE CHAIRMAN

VK