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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 30.4.1998

OA 130/98

Chhote Lal Jat s/o Shri Jagdish Prasad Jat r/o 2824, Hari Jethi Ka Chowk,  
Bagra Walon Ka Pata, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Department of Audit and Accounts,  
Government of India, New Delhi.
2. Accountant General, Rajasthan, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL PRISHNIA, VICE CHAIRMAN

For the Applicant

... Mr. P.N. Jati with  
Mr. G.P. Sharma

For the Respondents

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O R D E R

PER HON'BLE MR. GOPAL PRISHNIA, VICE CHAIRMAN

Applicant, Chhote Lal Jat, in this application under Section 19 of the Administrative Tribunals Act, 1985, has claimed a direction to the respondents for his recruitment as per rules and regulations on compassionate grounds.

2. Heard the learned counsel for the applicant. The case of the applicant is that his father, Shri Jagdish Prasad Jat, was an Accountant in the office of the Accountant General, Rajasthan, Jaipur, and he died while in service on 1.5.95. Since the family of the deceased employee was in distress and was not able to pull on due to the meagre income of the applicant's elder brother, the applicant applied for appointment on compassionate grounds. The applicant has passed 7th Class. His request for appointment on compassionate grounds was rejected vide Annexure A-1 dated 23.10.97 on the ground that he did not possess the minimum educational qualifications for the post of Peon. The learned counsel for the applicant has stated that Departments are competent to relax temporarily the educational qualifications in the case of appointment at the lowest level i.e. a Group-D or LDC post in exceptional circumstances where the condition of the family is very hard. Such relaxation is permitted upto a period of two years, beyond which no relaxation of educational qualifications is admissible and the services of the persons concerned, if still unqualified, are liable to be terminated. The learned counsel for the applicant has drawn attention to the notice for demand of justice dated 28.1.98, at Annexure A-5, and he wants that the same be treated as a representation and decided by respondent No.2 in terms of rules, instructions and guidelines on the subject.

Chhote Lal Jat

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3. In the circumstances, this application is disposed of, at the stage of admission, with a direction to respondent No.2 to take a decision on the notice for demand of justice dated 28.1.98, at Annexure A-5, treating it as a representation as per rules, instructions and guidelines on the subject within a period of three months from the date of receipt of a copy of this order. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order.

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN

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