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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 6.7.200

OA 582/99

Narendra aged about 26 years son of Shri Ram Charan, resident of Plot No. 71, Near Sophia School, Saraswati Nagar, Dhola Bhata, Ajmer.

.... Applicant

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager (Establishment), Western Railway, Ajmer.
3. Sr. Divisional Personnel Officer, DRM Office, Western Railway, Ajmer.

.... Respondents

Mr. Anurag Kulshrestha, Counsel for the applicant.

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HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

ORDER

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL))

In this Original Application applicant makes a prayer to direct the respondents to consider the applicant for appointment on compassionate grounds.

2. In Brief, the case of the applicant is that elder brother of the applicant, Shri Bhagwan Das, died on 12.5.97 while in service on the post of Mali (Gardner) and applicant was dependant upon his elder brother. It is stated that applicant made a request to the respondents to give him appointment on compassionate grounds but respondent Department refused to give him appointment on compassionate grounds stating that younger brother of the deceased is <sup>not</sup> within the ambit of consideration for appointment on compassionate grounds.

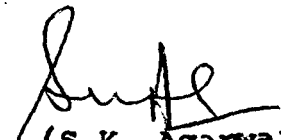
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3. Heard the learned counsel for the applicant and also perused the whole record.

4. According to instructions/guidelines issued in connection with appointment on compassionate grounds, brother does not fall within the ambit of dependant of deceased family. Calcutta High Court in Gurucharan Mahato vs. State of West Bengal & Others, 1999(1) SLR Calcutta Page 62 held that brother does not fall within the ambit of dependant of deceased family.

5. In view of the settled legal position and guidelines issued for this purpose from time to time, no case for issuance of notice to respondents is made out and this Original Application is dismissed in limine at this stage of admission.

  
(S.K. Agarwal)  
Member (J)