

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR.

Original Application No. 245/2003

Date of decision: 08.10.2004

Hon'ble Mr. Kuldip Singh, Vice Chairman.

Raj Kumar, s/o late Shri Chhotu Ram, aged 30 years Vill.
Tillawali, Post Jasrapur, Tehsil: Khetri, Distt. Jhunjhunu
(Rajasthan)

: Applicant

rep. by Mr. M. S. Gurjar : Counsel for the applicant.

VERSUS

1. Union of India through the Director General,
Geological Survey of India, 27, J.L. Nehru Road,
Kolkata 700 016
2. Deputy Director General, Geological Survey of
India, Western Region, 15-16, Jhalana Doongari
Jaipur.
3. Rakesh Dhabl, s/o of late Shri Jagdish Narayan
(Messenger), Geological Survey of India,
Western Region, 15-16, Jhalana Doongari, Jaipur.

: Respondents.

rep. by Mr. T.P. Sharma : Counsel for the respondents

ORDER

Per Mr. Kuldip Singh, Vice Chairman

The applicant is challenging the order dated 17.07.2002, vide which he has been denied to be considered for appointment on compassionate grounds as Class IV, under the respondents.

2. The facts of the case in brief are that the applicant's father, namely, Shri Chhotu Ram

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was working as Darban under the respondents. He died on 12.06.93 while in service. After the death of Shri Chhotu Ram, his wife, submitted an application for compassionate appointment for her son, Shri Raj Kumar, the applicant herein. It is stated that all the requisite documents were also annexed with the application. The applicant was called for interview vide letter dated 19.10.94 and the interview was held on 26.10.94. Accordingly the applicant appeared in the interview before the Committee constituted for considering the cases for compassionate appointment. It is stated that the Committee after considering the relevant documents selected the applicant for appointment to Class IV post. However, he has not been offered appointment on account of non availability of vacancies. It is further stated that one person namely, Jagdish Narayan, had also expired while in service on 28.12.2000 and his son also applied for appointment on compassionate grounds. It is averred by the applicant that his name and the name of late Shri (respondent No.3 herein) Jagdish Narayan's son/were included in the list for compassionate appointment. According to the applicant, the Committee placed respondent No3 below the applicant in the said list. However, the respondents 1 & 2 had appointed respondent No. 3 and the applicant was not given any appointment. Hence a legal notice for demand of justice was sent. In reply to the legal notice, the second respondent informed that the case of the applicant was rejected by the Compassionate Appointment Committee vide order dated 17.07.2002, on review. It is also stated that the applicant was informed vide letter dated 24.02.95, that his case was not found fit for

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appointment on compassionate grounds. It was further stated that when the applicant was called for interview, he was asked whether his father owned any immovable property the applicant gave misleading facts to the department and gave a false statement and as such the Committee opined that his case for compassionate appointment may not be considered. The applicant submits that he owns 0.38 Htrs land, which is uncommand land and there is no income from the same as per Annex. A.3 issued by the concerned Patwari. It is stated that there is no sufficient income and his family is in penury condition and therefore he should be given appointment on compassionate grounds.

3. The respondents have contested the case. It is stated in the reply filed by the respondents that they have conducted an inquiry and the Tehsildar, Khetri vide his letter dated 03.09.94 informed that late Shri Chhotu Ram owned 1.52 hectares land and the annual income from that land is Rs. 12,000/- and the entire land comes to the hands of the family after the death of Chhotu Ram. It is further stated that at the time of interview the applicant deposed that his late father owns only 30 bighas of land, whereas in the application for compassionate appointment (Annex. R/1), it is mentioned that there is no movable or immovable property owned by his father and thus the applicant has not approached the authorities with clean hands and had tried to mislead the authorities. It is further stated that respondent No. 3 has been appointed

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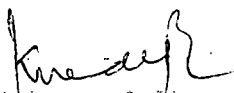
on compassionate grounds in preference to the applicant since his case was more deserving than the applicant. The respondents have also submitted that the case of applicant was first considered on 22.06.94, and his case was again reconsidered on 13.03.97 and 17.07.2002, and it was found that the case of the applicant was not as per the parameters for compassionate grounds and as per the instructions of the D.O.P.T..

4. I have heard the learned counsel for the parties and have gone through the records. At the outset, I may mention that the applicant's father died on 12.06.93 and more than 11 years have passed. Though the applicant submits that his mother made the application for compassionate appointment, but the fact remains that though the late government servant owned landed property, in the application it had been mentioned that there is no movable or immovable property. However, the inquiry conducted by the respondents revealed that the deceased Government servant owned 1.52 hectares of land and there was an annual income of Rs. 12,000/. This concealment itself is sufficient to hold that the applicant had not approached the authorities with clean hands and tried to grab the post by hook or crook. The applicant himself submitted before the Committee for compassionate appointment that the deceased government servant owned 30 bighas of land. Hence it is not a case where the family is in financial crisis after the death of late Shri Chotu Ram. There was sufficient income available for the family to maintain themselves. The

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fact that the applicant had not approached the authorities with clean hand itself would go to show that the applicant did not deserve any equitable relief from this Court, because the principle of equity does not help the applicant at all. Moreover, applicant's father expired in the year 1993 and the applicant approached this Court in 2003, which would also go to show that there was no immediate financial crisis on the death of the applicant's father, which the applicant's family wants to over come.

5. In view of the above discussion, I find no merit in this O.A and accordingly it is dismissed. No order as to costs.


(Kuldip Singh)
Vice Chairman.

jsv.