

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...

Original Application No.290/00326/2018

Date of order: 26.03.2019

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Lalit Nayak s/o Late Sh. Mala Ram, aged about 25 years, resident of House No. 62, Indra Colony, Air Force Road, Panch Batti, Near Ratanada, Jodhpur, her husband was last employed on the post of Chowkidar in the office of No.73 Coy ASC (Sup) Type 'E', PIN-905073, C/o 56 APO.

...Applicant

(By Advocate: Shri A.K.Kaushik)

Versus

1. Union of India through Secretary to Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi – 110 001.
2. The commandant, No.73 Coy ASC (Sup) Type 'E', PIN – 905073, C/o 56 APO.

...Respondents

(By Advocate: Shri B.L.Tiwari)

ORDER (ORAL)

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant prays for the following reliefs:-

- (i) That the respondents may be directed to consider the case of applicant for appointment on compassionate grounds, on a suitable post, in accordance with the rules and guidelines in force and he may be allowed consequential benefits.
- (ii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iii) That the costs of this application may be awarded.

2. The applicant is son of late Shri Mala Ram, who was working as Chowkidar in the respondent department. Shri Mala Ram expired on 18.7.2017. The deceased was survived with his widow, two sons i.e. applicant and his elder brother. Two daughters of the deceased were married during his life time. The elder son is doing casual/daily wage work and earning his livelihood. The applicant has passed 10th class and is not employed. The applicant avers that the family of the deceased Government servant is in indigent condition as it does not have any income from any source. The mother of the applicant has only been paid GPF and not sanctioned the family pension or other retiral benefits. The mother of the applicant was asked to submit affidavit in regard to grant of family pension and also for consideration of her ward for appointment on compassionate grounds, which she submitted on 25.8.2017. Since there was no progress in the matter, therefore, the applicant has filed the present OA seeking consideration of

his case for appointment on compassionate grounds on a suitable post in accordance with rules and guidelines in force.

3. The respondents have filed reply on 11.2.2019 stating that the mother of the applicant had filed OA No.325/2018 for retiral dues of the deceased Government servant and thereafter the competent authority has granted and sanctioned PPO on 5.12.2018. Therefore, the grievance of the applicant pertaining to family pension has been sorted out as PPO has been issued to her. So far as compassionate appointment is concerned, it is stated that the case of the applicant will be taken up along with other similarly placed candidates in the coming Board Meeting/competent authority. Therefore, the present matter is premature and deserves to be dismissed.

4. Heard Mr. A.K.Kaushik, counsel for the applicant and Shri B.L.Tiwari, counsel for the respondents and perused the material available on record.

5. At the outset, the respondents state that case of the applicant for compassionate appointment is likely to be considered in the coming Board Meeting which is going to consider the cases of compassionate grounds and

accordingly case of the applicant will also be considered in the said meeting.

6. In view of above, since the mother of the applicant has already been issued PPO on 5.12.2018 and as per the averment and statement of the learned counsel for the respondents, it is clear that the case of compassionate appointment is likely to be considered in the coming Board Meeting which will consider the cases of compassionate appointment. In these circumstances, we deem it proper to direct the respondents to consider the case of the applicant for compassionate appointment in the first available Board Meeting alongwith such other candidate taking into consideration the different parameters of indigent condition as provided under the rules/guidelines.

7. The OA is disposed of accordingly with no order as to costs.

(ARCHANA NIGAM)
ADMV. MEMBER

(HINA P.SHAH)
JUDL. MEMBER

R/