

(2002) 01 AHC CK 0041
In the Allahabad High Court
Case No : C.M.W.P. No. 16616 of 2001

Anand Kumar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-01-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 2 AWC 1025 : (2002) 93 FLR 477

Hon'ble Judges : S.K. Singh, J;M. Katju, J

Bench : Division Bench

Advocate : Somesh Khare, for the Appellant; S.N. Srivastava, S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and S. K. Singh, JJ.—Heard learned counsel for the parties.

2. The petitioner's father was a Senior Divisional Manager in the Department of Telecommunication who died in harness on 30.5.1994. The petitioner's mother made an application that her son, the petitioner, should be given an appointment under Dying-in-Harness Rules vide Annexure-1. However, the application was rejected on 26.2.1996 vide Annexure-4 in which it was stated that the case for compassionate appointment has been considered by a High Power Committee and it has been decided that the case of the petitioner is not a fit one for appointment in relaxation of the recruitment rules. Thereafter another representation dated 21.2.1997 was made vide Annexure-5 but it was rejected on 15.1.1998 vide Annexure-6. The petitioner then approached the Central Administrative Tribunal which directed the Chief General Manager to reconsider the request of the applicant vide its order Annexure-7. The petitioner subsequently gave a representation dated 14.10.1999 but it was rejected on 20.1.2000 vide Annexure-8. The petitioner then approached the Tribunal which dismissed his petition on 15.3.2001 vide Annexure-9. Hence this writ petition is filed.

3. We have carefully perused the Impugned order of the Tribunal and find no illegality in the same. The Tribunal has held that the petitioner's financial condition is not bad and hence, it is not a fit case for granting compassionate appointment. The Tribunal has referred to the family pension, etc. which the petitioner's family is getting as well as the rent from houses, as well as the plots in several towns. It is settled law that compassionate appointment may be granted only when the financial condition of the family is bad, vide Umesh Kumar Nagpal Vs. State of Haryana and Others, , but in this case, the finding of fact is that it is not bad. Moreover, the petitioner's father died on 30.5.1994, i.e., almost 8 years ago and hence this is not a fit case for passing any mandamus under Article 226 of the Constitution since the purpose of giving compassionate appointment is that there is an immediate financial crisis in the family, vide Haryana State Electricity Board v. Naresh, JT 1996 (2) SC 542. The writ petition is hence dismissed.