

(2009) 11 GUJ CK 0114
In the Gujarat High Court

Case No : Special Civil Application No. 3615 of 2004

Kalpeshkumar Dinvantrai Rawal

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 09-11-2009

Acts Referred:

Citation : (2009) 11 GUJ CK 0114

Hon'ble Judges : S.R. Brahmbhatt, J; Bhagwati Prasad, J

Bench : Division Bench

Advocate : Tejal K. Shah, for the Appellant; P.C. Master, for Respondents 1 - 2, for the Respondent

Judgement

Bhagwati Prasad, J.—The petitioner/original applicant before Central Administrative Tribunal, Ahmedabad Bench preferred Original Application No. 214 of 2002 which came to be rejected by the Tribunal vide order dated 13/3/2003 against which petitioner preferred review Application No. 60 of 2003 which also came to be rejected by the Tribunal vide order dated 19/9/2003. Feeling arrived by the rejection of his application as well as review application present petition is preferred by the petitioner.

2. The facts as stated in the Original Application by the petitioner before the Tribunal is that his father was an employee of the respondent, who expired on 4/8/1996 while in service. The deceased left behind his widow and three children and the applicant is the elder son. His application for appointment on compassionate ground was rejected by the department and therefore petitioner preferred Original Application. The Tribunal though quashed the rejection order of the respondents, directed the respondents to hold a detailed inquiry and thereafter to consider whether request of the petitioner for compassionate appointment was deserving in terms of the guidelines of the Government and pass an order. The respondents thereafter passed the order dated 21/8/2001, after holding detailed inquiry on all the points mentioned in the order of the Tribunal and once again rejected claim of the petitioner on the following reasons:

- 1) The applicant is living in his own flat of three rooms and kitchen located in posh area furnished with colour T.V, Fridge, Steel almirah, double beds etc.
- 2) The family is in receipt of family pension of Rs. 3175 +DA and received Rs. 419440/- as terminal benefits.
- 3) Last bimonthly electric bill paid is Rs. 901/-.
- 4) There is no structural damage and only little damage in gallery, walls of kitchen and bathroom due to earthquake, which seems to be repairable without spending much amount.
- 5) The mother of the applicant has undergone operation and incurred expenditure of about Rs. 10000/- only.
- 6) As per instruction of D.P. & T letter, the compassionate ground appointment restricted to 5% of Direct Recruitment Quota and due to this, there is no vacancies in group "C" cadre in Gujarat Circle.
- 7) As such looking to all these aspects of the case and movable & immovable properties, marital status of two brothers and vacancy position, the family is not living in indigent conditions.

3. The Tribunal after discussing the matter at length, and after considering various aspects and on the reasons request for compassionate appointment was denied to the petitioner. We have made to understand as to how 7 reasons which are given by the department in its inquiry are sufficient to deny the petitioner not to be entitled for appointment on compassionate ground.

4. Heard learned Counsels for the parties, perused the impugned order passed by the Tribunal and the reasons for rejection of appointment passed by the department. The death of father of the petitioner took place in 1996. We are in 2009 and it will be inappropriate to consider case of the petitioner now to consider on compassionate appointment in light of the facilities which are available with him. In that view of the matter we do not think that the order of the Tribunal calls for any interference. There is no force in the petition. The petition deserves to be rejected and is accordingly rejected. Rule discharged. No order as to costs.