

(2011) 03 GUJ CK 0045

In the Gujarat High Court

Case No : Special Civil Application No. 3908 of 2011

Pravinkumar Naranbhai Solanki

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-03-2011

Acts Referred:

Citation : (2011) 03 GUJ CK 0045

Hon'ble Judges : V.M. Sahai, J;G.B. Shah, J

Bench : Division Bench

Advocate : Krishna U. Mishra and Amrish K. Pandya, for the Appellant; None for Respondent 1 - 3, for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—We have heard Mr Amrish K Pandya, learned Counsel for the Petitioner. This petition has been filed challenging the order dated 7.12.2010 passed by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad in O.A. No. 100/2010 by which the order passed by the Respondents that the Petitioner was not entitled to any compassionate appointment has been affirmed.

2. From the records we find that the father of the Petitioner who was an employee of Postal Department died on 13.4.2005 while in service. The applicant applied for compassionate appointment on 22.11.2005. After the death of his father, his family was receiving a monthly pension of Rs. 3,608/- (basic) and terminal benefits amounting to Rs. 3,51,382/-. The claim of the Petitioner for compassionate appointment was reconsidered twice by the Respondent along with other candidates on 9.2.2007 and on 24.12.2008. But the Petitioner could not be appointed as vacancies were less and more deserving candidates other than the Petitioner were available for compassionate appointment. The other argument of the learned Counsel for the Petitioner has also been dealt with by the Tribunal that his claim has not been considered for Group "D" (class IV) post. The finding of the Tribunal was that since the Petitioner was only eligible for class IV post, his claim had been considered for Group "D" post.

3. Learned Counsel for the Petitioner urged before us that the father of the Petitioner died of cancer for which the family has taken a private loan of Rs. 30,000/-. Even if it is accepted that an amount of Rs. 30,000/- is to be paid from the terminal benefits received, even then an amount of Rs. 3,21,382/- out of the terminal benefits was still available with the family, apart from the Family Pension. Further both the sons are married and were not dependent on the either the deceased or his mother.

4. For the aforesaid reasons, we do not find any merits in this petition. This petition fails and is accordingly dismissed.