

**Sunil Kumar Vs. Union of India and ors**

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**Court :** Rajasthan

**Decided On :** Dec-19-2000

**Reported in :** 2001(3)WLN177

**Judge :** Dr. AR. Lakshmanan, CJ. and; A.K. Parihar, J.

**Acts :** [Constitution of India](#) - Articles 226 and 227

**Appeal No. :** D.B. Civil Writ Petition No. 5206 of 2000

**Appellant :** Sunil Kumar

**Respondent :** Union of India and ors

**Advocate for Pet/Ap. :** P.C. Verma, Adv.

**Judgement :**

ORDER

Lakshmanan, CJ.

1. Heard Mr. P.C. Verma, learned counsel for the petitioner. This writ petition is filed by the petitioner to consider his case for appointment on compassionate ground in place, of his late brother, who was working as Operator in the Telecommunication department at Bharatpur on substantive post. He died on 20th of July, 1991. He was unmarried. The petitioner claims that he is the dependent upon his brother's income. The petitioner applied for appointment on

compassionate ground which was turned down by the Assistant General Manager vide his order dated 6th of January, 1995 (Annexure 1). Again he made a further request which was also not entertained by the respondent and by order dated 30th March, 1995, the request was turned down. He filed the Original Application No. 303/2000, before the Central Administrative Tribunal, Jaipur, which was dismissed on 5th September, 2000. Aggrieved by the order dated 5th September, 2000, the present writ petition has been filed.

(2). It is the case of the petitioner that the impugned order dated 5th September, 2000 is not legally sustainable being contrary to the provisions of law as also the facts of the case.

(3). We have perused the order passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as 'the Tribunal') and the documents filed with the writ petition. It is seen from the document dated 6.1,1995 (Annex.1) issued by the Department of Telecommunication Rajasthan Circle, Jaipur that no near relative will be eligible for appointment on compassionate ground and only the widow or son or daughter or adopted son or adopted daughter of the deceased Government Servant can be considered for appointment on compassionate grounds. It is also seen from the document Annex. 1 that the appointment to the brother of the deceased appears to be not justified as per the notification. Committee has also noted that six brothers of the petitioner had already employed in autonomous bodies i.e. bank etc. Annex. No.2, the letter dated 30th of March, 1995 is also a communication of the Telecommunications Department. The said letter reads as follows:-

'DEPARTMENT OF TELECOMMUNICATIONS INDIA

From

Telecome Distt. Engineer Bharatpur (Raj.)

To

Shri Sunil Kumar B/o Late Shri Sanjay Kumar Village Anah, Post Sewar, District Bharatpur (Raj.)

No. E-4/Rectt/TOS/Ch II/17 Dated 30.3.95

Sub: Compassionate ground appointment case of Sh. Sunil Kumar B/o Late Sh. Sanjay Kumar Ex.T.O.

As per rules no near relative is eligible for appointment on compassionate ground. Therefore, it is regretted to inform you that your case has not been considered justified for appointment on compassionate ground please.

sd/-

Telecome Distt. Engineer

Bharatpur (Raj.)

(4). Annex. 3 is the notice issued by the Advocate/Solicitor of the petitioner to the department.

(5). A perusal of the order dated 5.9.2000 passed by the Tribunal clearly shows that the prayer of the petitioner to provide him compassionate appointment on account of death of his brother in the year 1991 was rightly rejected. We have also referred to the notification and the guidelines. It is clear that the compassionate appointment could only be granted to a widow or son or daughter or adopted son or adopted daughter of the deceased government servant and there exists no policy to provide appointment on compassionate ground to the near relative/dependents of the deceased Government Servant. The petitioner herein is the brother of the deceased government servant therefore, he in our opinion, is not eligible for appointment on compassionate ground. The Tribunal has also taken the same view the order of the Tribunal in our opinion is correct and no interference is called upon. The writ petition fails and is, hereby, dismissed.

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