

S.B. Civil Writ Petition No.5784/04

Mohit Kumar Sharma

Vs.

The Bharat Sanchar Nigam Ltd. & Ors.

Date of Order : 29/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Rajeev Surana, for petitioner

Instant petition has been filed against the order dt. 3rd September, 2002 [Ann.1] whereby the application filed by the petitioner seeking compassionate appointment has been rejected.

The petitioner as alleged in the petition is son of late Shri Kishan Chand Sharma, who was serving as a Gatekeeper in the office of GMTD, Jodhpur and while in service, died on 11th August, 1999 at the time he was 53 years of age survived by his wife and three sons. The mother of the petitioner is in employment and working as ANM and according to him as alleged she is living separately during their lifetime and his elder brother is also not in any manner connected with the family and he is residing with his maternal aunt [Mausi].

The competent authority after taking into consideration the material on record and so also the

facts submitted by the petitioner, considered that in view of mother being in employment and the family pension of Rs.2755/- and so also retiral benefits of Rs.1,82,950, it is not a fit case for grant of compassionate appointment to the petitioner.

Shri Rajeev Surana, counsel for petitioner submits that even if family has received the pension and retiral benefits, cannot be a ground to dislodge the petitioner from seeking compassionate appointment, if he is otherwise eligible under the relevant rules, in my opinion, it is one of the consideration with the committee has considered while taking decision in the matter, petitioner's mother is substantively holding the post of ANM in Government and in the totality of matter what is being paid by the institution on account of his death served the purpose. I am satisfied with the reasoning assigned in the order impugned.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB