

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00796/2016

Jabalpur, this Friday, the 29th day of November, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Smt. Vishesh Sharma, (unemployed), aged about 36 years, W/o
Shri Shiv Shankar Vaidhya, D/o Shri Jagdish Prasad Sharma,
R/o D-Sector, Patel Nagar, Raisen Road, Bhopal, M.P 462012
-Applicant

**(By Advocate – Shri Sudhir Kumar Sharma, proxy counsel
of Shri Siddharth Gulatee)**

V e r s u s

1. Union of India through the Principal Secretary, Department
of Post, Ministry of Communication & Information
Technology, Govt. of India, Sanchar Bhawan, 20, Ashoka
Road, New Delhi 110001.

2. Chief Post Master General, M.P Circle, Bhopal, M.P 462012.
-Respondents

(By Advocate – Shri P.K. Chourasia)

ORDER (O R A L)

The applicant is aggrieved by the order dated 27.06.2012
(Annexure A-2) whereby case of the applicant for grant of
compassionate appointment has been rejected.

2. The case of the applicant is that father of the applicant
died in harness while working as LSG Post Assistant with the
respondent No.2. Thereafter, mother of the applicant preferred

an application (Annexure A-1) before the respondents for grant of compassionate appointment to the applicant. However, the same has been rejected vide order dated 27.06.2012 (Annexure A-2) on the ground that the applicant cannot be treated as family member of the deceased employee as she has already got married.

3. The applicant submits that as per policy/scheme of compassionate appointment (Annexure A-3), the applicant is eligible to be considered for appointment on compassionate ground. The applicant has submitted representation dated 25.05.2015 (Annexure A-4) to the respondent department, which has not been responded by them.

4. The respondents have filed reply to the O.A. It has been submitted that as per guidelines issued by Government of India, Ministry of Communications & IT, Department of Posts dated 20.01.2010 (Annexure R-1), the case of dependant member of family of the deceased Government servant is considered by CRC by a balanced and objective assessment of all the parameters prescribed for it. Since the applicant was already married on 30.05.2009, i.e. before the death of Government servant, therefore, her case was not considered for appointment

on compassionate ground. Further, as per clarification dated 30.05.2013 (Annexure R-3), the case of married daughter can be considered for compassionate appointment subject to the conditions that she must be wholly dependant on the Government servant at the time of his/her death in harness or retirement on medical grounds. Since the applicant was already married on 30.05.2009 before death of Government servant on 16.07.2011 and her name was not record as a member of family, therefore, she was not found eligible for consideration of appointment on compassionate ground.

5. The applicant has filed rejoinder, wherein she has submitted that after marriage, the applicant resided with her husband for a brief time at her matrimonial house and she is no longer living in her matrimonial house since 2010. Therefore, at the time of death of her father, the applicant was dependent on her father.

6. Heard learned counsel for the parties and perused the pleadings available on record.

7. Admittedly, father of the applicant died on 16.07.2011 and thereafter mother of the applicant applied for appointment on compassionate ground to her daughter, i.e. the present

applicant, which was rejected vide order dated 27.06.2012 (Annexure A-2). It has been specifically indicated in the impugned order that name of the applicant has not been included in the service record of the deceased employee. It is also not in disputed that the applicant got married on 30.05.2009.

8. It has been submitted by the applicant that after marriage on 30.05.2009, the applicant was living with her husband at the matrimonial house and one child was also born out of their wedlock. However, husband of the applicant deserted the applicant and she was living with her parents at Bhopal. Though, such averments have been made by the applicant in her rejoinder, but I do not find any documents to establish the fact that there was any order of divorce or any order regarding judicial separation between the applicant and her husband.

9. It is the case of the respondents that the applicant is a married daughter who can only be considered for compassionate appointment subject to condition that she must be wholly dependent on Government servant at the time of his/her death or retirement on medical ground. From the records, I do not find any cogent reasons or documents to prove

the fact that the applicant was dependent at the time of death of father of the applicant.

10. In view of the above, I do not find any merit in this Original Application. Accordingly, the O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-