

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/01027/2018

Date of Order: 01.01.2020

C O R A M

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Vikash Kumar, aged about 28 years, S/o Late Tengari Ram Resident of Village & PO- Khurmabad, Dist.- Rohtas- 821108.



.... Applicant.

By Advocate: - Mr. N.N. Singh

-Versus-

1. The Union of India through the Secretary, Deptt. Of Posts, Dak Bhawan, New Delhi-110001.
2. The D.G. Posts, Dak Bhawan, Sansad Marg, New Delhi- 110001.
3. The Chief Postmaster General, Bihar Circle, Patna- 800001.
4. The Supdt. Post, Aurangabad Division, Aurangabad- 431001.
5. The Asstt. Director (Rectt.), O/o Chief PMG, Bihar, Patna- 800001.

.... Respondents.

By Advocate: - None

ORDER
[ORAL]

Dinesh Sharma, A.M:- In the instant OA, the applicant has prayed for quashing the order dated 30.01.2018, by which the prayer of the applicant for compassionate appointment has been rejected. He has also prayed for directing the respondents to consider the case of the applicant for issuing the order of appointment to the dependent of the deceased. The deceased employee Late Tengari Ram, the father of the applicant, died on 25.10.2013 leaving behind his wife, one son and 6

unmarried daughters. The applicant's request for compassionate appointment was not recommended by the Circle Relaxation Committee and he was intimated by letter dated 16.01.2017 that since he had obtained 52 points he was not considered for appointment under compassionate quota. The applicant filed an OA bearing No. OA/050/00750/2017 which was disposed of on 29.11.2017 directing the respondent no. 3 therein to look into the grievance of the applicant and to place the matter before the next CRC for consideration afresh. Following this, the CPMG has issued order dated 13.01.2018 in compliance of the order of this Tribunal rejecting his case again. This OA has been filed against this order stating that the applicant is a person belonging to Dalit caste having no landed property. There is no means of livelihood except the family pension of the mother. The valuation of the residential house situated in remote rural area by the respondents is wrong. His two sisters are still remaining unmarried due to financial constraint and there is a pending medical bill of Rs. 4 lakhs which is still to be reimbursed by the respondents. For all these reasons, the applicant has prayed for reconsideration of his application for compassionate appointment.



2. A written statement has been filed by the respondents in which they have denied the claim of the applicant. It is stated that a sum of Rs. 17,78,426/- was paid as GPF, Rs. 1 lakh as gratuity and Rs. 83,456/- as leave encashment to the family after the death of the deceased

employee. The family is getting Rs. 10,400/- + DR per month as family pension. The family is getting Rs. 60,000 per annum from other source of income and the family has moveable and immovable property worth Rs. 1,28,000/-. The CRC has examined the case in its meeting held in the year 2016 and not recommended it as the case could earn only 52 points. The case was again examined by the CPMG when directed by the Tribunal and has come to the same conclusion that the applicant deserves only 52 points. The valuation certificate of the house has been based on the basis of a certificate issued by Circle Office, Chenari and not by Department of Post. Thus, the case has no merit and therefore deserves to be dismissed.



3. A rejoinder has been filed by the applicant in which he has quoted the decision of the Hon'ble Apex Court in case of Balbir Kumar Vs. Steel Authority of India Ltd. & Ors. [(2006) 6 SCC 493] in support of his contention that any benefits received under a family benefit scheme cannot be equated with the benefit of compassionate appointment. He has also quoted other cases decided by Ernakulam Bench of this Tribunal in the matter of **Nishad C.H. Vs. General Manager, Southern Rly. & Ors.** as reported in 2019(1) SLJ CAT 140 and that of Hon'ble Apex Court in **Govind Prakash Verma Vs LIC & Ors.** [(2005) 10 SCC 289] to support his contention that compassionate appointment cannot be refused on the ground that any members of the family received amounts admissible under the rules.



4. I have gone through the pleadings and heard the arguments of learned counsels of both the parties. I find that the Department has already considered the request of the applicant twice and have not recommended his case for compassionate appointment on ground that he could not earn enough points (to measure indigency) which could enable him to be employed on compassionate ground. From reading the reasoned and speaking order issued following a direction by this Tribunal in OA/050/00750/2017 it is clear that his rejection is not only on ground of his having received any terminal or other family benefits after the death of the deceased employee. The points have been awarded by the CRC in accordance with the Department's rules and circulars and are based on income certificate and the valuation certificate issued by officers who do not come under their Department. On the date of consideration of the application, the applicant's family had only two unmarried daughters and therefore awarding of 10 marks on that account is also not wrong. For all these reasons, I do not find any mistake in the order of the CPMG dated 30.01.2018 and therefore the prayer of the applicant to quash this order cannot be granted. It was mentioned at the time of arguments by the learned counsel for the applicant that the rules of the Department do not prohibit the Department from considering the case of dependents of a deceased employee irrespective the number of times they have been considered in the past and, therefore, the Tribunal should issue appropriate direction to the respondents to consider his application in the next CRC. I do not think

that any specific direction to this effect is required to be issued in this case, since if the rules of the Department so permit the applicant is free to apply again for consideration of his request for compassionate appointment and the Department, in case of such application, is expected to follow their rules regarding the consideration of such application. The OA is, therefore, disposed of accordingly. No order as to costs.



Srk.

[Dinesh Sharma]
Administrative Member