

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2848/2001

This the 16th day of July, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Kamal Prakash Srivastava S/O O.P.Srivastava,
Ex. Sub Postmaster, Mehrauli Post Office,
New Delhi under South West Division,
New Delhi, R/O Qr. No.797/6, R.K.Puram,
New Delhi.

... Applicant

(By Shri Sant Lal, Advocate)

-versus-

1. Union of India through Secretary,
Ministry of Communications,
Deptt. of Post, Dak Bhawan,
New Delhi-110001.

2. Chief Post Master, Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.

... Respondents

(By Shri R.N.Singh, Advocate)

O R D E R

Through this application, applicant has challenged
the following orders :

- (1) Annexure A-1 dated 10.11.2000 whereby
applicant's case for compassionate
appointment has been rejected by
respondents; and
- (2) Annexure A-2 dated 10.8.2001 whereby
applicant has been asked to pay damage
charges for unauthorised occupation of
government premises as also asking him to
hand over peaceful possession of the
government quarter.

2. On the objection of the learned counsel of the
opposite side that multiple reliefs have been claimed in
this OA, the learned counsel of applicant sought
permission to withdraw the relief relating to Annexure

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A-2 dated 10.8.2001, i.e., regarding the damage rent and vacation of the government premises. The learned counsel sought withdrawal of relief relating to government accommodation with liberty. He is allowed to withdraw the challenge to Annexure A-2 dated 10.8.2001 and also the relief relating to the damage rent imposed on him as also the question of vacation of the said premises. However, applicant shall have liberty.

3. The learned counsel stated that applicant's father was working as Sub Postmaster under New Delhi South-West Division and died in harness on 21.8.1998 leaving behind his old mother, his wife, one son (applicant) and an unmarried daughter. The unmarried daughter is stated to have been married away after the death of the deceased government employee. The learned counsel of applicant relied on Balbir Kaur & Anr. v. Steel Authority of India Ltd., 2000 (2) SCSLJ 71 contending that lump sum amount made available to the family on the death of the bread earner should not be taken into consideration while considering the question of compassionate appointment. He also relied on Anar Kali & Anr. v. Union of India & Ors., 2001 (2) SLJ 387 CAT, stating that retirement/terminal benefits given to the family members of the deceased employee should not be taken into consideration while considering the case of compassionate appointment.

4. The learned counsel of respondents stated that applicant's case for compassionate appointment was placed before the Circle Relaxation Committee in its meeting

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held on 14.8.2000 along with other cases and the same was considered in accordance with rules and instructions and schemes on the subject after taking into consideration the number of family members, earning members, their marital status, terminal benefits received by the family, etc. It was found that the family of the deceased was not in indigent condition and as such his case for compassionate appointment was rejected.

5. I have gone through the official records wherein respondents have considered applicant's case for compassionate appointment. The records reveal that the Committee considered 72 applications and recommended 11 cases for compassionate appointment on the basis of the number of family members, terminal benefits and other relevant factors. The records further establish that the case of applicant is not more deserving than those whose cases were recommended for compassionate appointment. Respondents have also relied on order dated 31.10.2001 in OA No.327/2001 : Kamlesh Kumar Tripathi v. Union of India, in which the ratio of the decision of the Apex Court in Balbir Kaur (supra) has also been considered.

6. I have satisfied myself that respondents have considered applicant's case in terms of the guidelines on the subject of compassionate appointment. Those selected were found to be facing more indigent circumstances than applicant. Compassionate appointment cannot be claimed as a matter of right or an alternative mode to make entry in government employment without being subjected to usual procedure. Respondents have not only considered the



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retirement benefits made available to the family of the deceased employee but also various other criteria under the relevant scheme. Keeping in view the rules and instructions on the subject, I do not find any infirmity in Annexure A-1 dated 10.11.2000 whereby applicant's request for compassionate appointment has been rejected.

7. The OA is dismissed accordingly.



(V. K. Majotra)
Member (A)

/as/