

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.327/2001

New Delhi this the 31st day of October, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Kamlesh Kumar Tripathi,
S/o late Shri Kripa Shanker Tripathi,
Village Ram Nagar Chorang,
P.O. Babaganj, Distt. Pratapgarh,
(UP) present at New Delhi. -Applicant

(By Advocate Shri Gyan Prakash proxy for Sh. H.P. Singh,
Counsel)

-Versus-

1. Union of India, through
the Secretary, Department of
Telecommunication, New Delhi.
2. The Chief Post Master General,
Delhi Circle,
Meghdoot Bhawan, New Delhi.
3. Asstt. Director (Staff),
in the office of the Post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi.
4. Sr. Supdt. of Post Offices,
Central Division, Meghdoot Bhawan,
New Delhi-110 001. -Respondents

(By Advocate Shri P.P. Relan, proxy for Sh. J.B. Mudgil,
Counsel)

O R D E R (Oral)

By Mr. Shanker Raju, Member (J):

Heard the learned counsel for the parties.

2. The OA is disposed of at the admission stage itself. The applicant, son of the deceased Government servant who was working as Post Master in 'Group 'D' post has sought compassionate appointment which has been denied to him by the respondents by letter dated 8.11.2000. It is the contention of the learned counsel for the applicant that having regard to the ratio of the decision of the Apex Court in Balbir Kaur v. Steel Authority of India, AIR 2000 SC 1956 while considering the case for compassionate

appointment the financial benefits accorded should not be the relevant criteria and the other circumstances and the fact that the family is indigent or in need of financial assistance may also be gone into. In this view of the matter it is stated that the family of the applicant consists of three sons, including the applicant, who is married and they have no other source of income and none of them is in employment and except the meagre sum paid by way of retiral benefits they have no other source of income.

3. The learned counsel for the respondents has produced the relevant record and contended that the Circle Relaxation Committee has considered the case of 72 applicants and thereafter in accordance with the guidelines of the Government of India 11 persons have been offered appointments. It is stated that the case of the applicant was not found to be deserving and the family indigent as compared to other cases where the family consists of more minor members, whereas the applicant is a married person and having been accorded retiral benefits upto the tune of Rs. two lakhs and is getting family pension and for the limited vacancies under 5% quota meant for compassionate appointment the case of the applicant was considered in accordance with the instructions but was not found deserving and the same has been rightly rejected.

4. I have carefully considered the rival contentions of the parties and perused the minutes of the Relaxation Committee and I am satisfied that the applicant's case has been thoroughly considered by the respondents in view of the guidelines on the subject by the Government and the financial benefits accorded to the applicant has not been the relevant criteria. The

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respondents have also accorded appointment to limited vacancies under 5% quota to more deserving cases where the family was indigent and in need of the immediate financial assistance.

5. Compassionate appointment cannot be claimed as a matter of right or an alternative mode to entry in Government service without being subjected to the usual procedure. It is accorded only in cases where the Government servant dies in harness leaving behind the family in penury. As the case of the applicant has already been considered in accordance with the rules and instructions on the subject and keeping in view the ration in Balbir Kaur's case (supra) I do not find any infirmity in the orders passed by the respondents.

6. In the result, the OA fails and is dismissed.

No costs.

S. Raju

(Shanker Raju)
Member (J)

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