

Central Administrative Tribunal, Principal Bench

O.A.1070/99

New Delhi, this the 28th day of August, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

1. Smt. Laxmi Devi
Widow of Late G.D. Khushalani
Ex-Sub Post Master Agra Division.
2. Shri Hira Nand
S/o Late Shri G.D. Khushalani
Ex-Sub Post Master Agra Division. ...Applicants

Present Residential Address

C/o Shri Bhagwan Dass
B-6/61, Sector-7 Rohini
Delhi-110 045.

By Advocate Shri D.P. Sharma.

Versus

1. Union of India through
The Secretary,
Ministry of Communication (Department of Posts)
New Delhi.
2. The Director General of Estates,
Dak Bhawan, Parliament Street,
New Delhi.
3. The Chief Post Master General U.P. Circle,
Lucknow. ...Respondents

By Advocate Shri K.R. Sachdeva.

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant No.1 Smt. Laxmi Devi and Applicant No.2 Shri Hira Nand have filed this joint application seeking compassionate appointment of applicant No.2.

2. The facts in brief are that one Shri G.D. Khushalani was an employee of respondents and was working as Sub Post Master, Agra Division. The said Shri Khushalani expired on 20.1.1997 as he was suffering from cancer. His date of superannuation was 30.4.97. The applicants have prayed that since the deceased Shri G.D.

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Khushalani, had died in harness, so they had applied for compassionate appointment of applicant No.2, but the respondents had rejected their request vide Annexure A-1. An appeal was filed by the applicant No.2 vide Annexure A-7 and the same was rejected vide order dated Annexure A-8. The applicants have challenged the same and have prayed that the applicant No.2 being the only son of the deceased and the family is in indigent condition, so he should be given employment on compassionate grounds. 15

3. The department is contesting the O.A. They have stated that at the time of the death of the father of the applicant No.2 the deceased was left with the service of 3 months and 10 days and after which he would have satisfactorily superannuated.

4. It is further stated that in the grounds stated in the order Annexure A-1 for rejection of the request for compassionate appointment it was stated that the applicant No.1 is getting family pension of Rs.2571/- and there are sufficient circumstances not to consider the family as an indigent family.

5. It is also stated that the applicants have not shown the complete family detail of the family members as elder son of the deceased Shri Raj Kumar Khushalani, aged about 34 years and he has not been shown in the list of family members. k

6. It is further stated that as regards the amounts spent on the illness of the deceased for that purpose the applicants are entitled to get reimbursement since the amount is reimbursable. Besides that it is stated that out of the three sons of the deceased all are grown up and two sons are married and are maintaining their family, as such the family cannot be termed as an indigent and the applicant No.2 is not eligible for compassionate appointment. 16

7. I have considered the contention of the rival parties and have gone through the record.

8. During the course of arguments the applicants reiterated that the family has no source of income and the only income which the family is getting is family pension of Rs.2571/ and since applicant No.2 is not employed anywhere, so he should be considered for compassionate appointment.

9. From a perusal of the documents on record I find that the applicant No.2's representation had been rejected for compassionate ground with one line order that the family is not considered as in indigent condition, but at the same time the income from other sources is shown to be as Rs.2571/- which, according to the applicants, is the only amount of family pension which the family is receiving and which cannot be sufficient for the family which consists of mother of the deceased, widow of the deceased and one marriageable daughter and two other sons including the applicant. m

10. The department has not given any data whether the sons of the deceased are gainfully employed or not. Had they been gainfully employed after they conducted the enquiry, they might have ^{given} their present vocation, so in these circumstances even the department itself is saying that the only income of the family is Rs.2571/- which is the amount of family pension that the family is receiving. So it cannot be considered enough for the family when deceased had died because of dreaded disease like cancer and the family of deceased might had spent much amount on his illness.

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11. In view of the above, I am of the considered opinion that the respondents should consider the case of the applicant No.2 afresh for compassionate appointment and pass a detailed and speaking order within a period of 3 months from the date of receipt of a copy of this order.
O.A. is allowed as above.
No costs.

(KULDIP SINGH)
MEMBER (J)

Rakesh