

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1273 of 1996  
M.A. Nos. 1248 & 1249 of 1996

New Delhi this the 15<sup>th</sup> day of July, 1996

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HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. Smt. Kastoori Devi  
W/o Late Shri Ramesh Chandra
2. Shri Brijesh  
S/o Late Shri Ramesh Chandra ..Applicants

Both the applicants are R/o 97, Janta Flat  
Uttam Nagar,  
New Delhi.

By Advocate Shri D.P. Sharma

Versus

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

ORDER

Hon'ble Mr. S.R. Adige, Member (A)

In this application filed on 3.6.1996  
Smt. Kastoori Devi has sought compassionate  
appointment for her son Shri Brijesh consequent  
to the demise of her husband Shri Ramesh

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1 Chander Postman, who died in harness on 31.10.1969.

2. The respondents appeared to have rejected the prayer for compassionate appointment vide letter dated 6.12.1991 (Annexure A-1) on the ground that there is already one earning member in the family; the widow is getting family pension; there is no heavy liability; and the case is over 20 years old.

3. During preliminary hearing, the applicants' counsel invited my attention to Postal Department's O.M. dated 11.1.1986 (Annexure A-17) wherein it has been provided that request for compassionate appointment made after a lapse of 20 years should not be entertained. Counsel contended that the applicant had applied on 6.8.1981, <sup>well within the period of 20 years</sup> when both her sons were minor, and thereafter on attaining majority by both her sons, she applied on 17.12.1985 and had regularly been pursuing her case till then and has also filed representations to the higher authorities, but to no avail.

4. In U.K. Nagpal Vs. State of Haryana and Others and connected cases, JT 1994 (3) SC 525, the Hon'ble Supreme Court have emphasised that the grant of compassionate appointment is in the nature of an exception to the general rule that the appointments in the public services should be made strictly on the basis of open invitation of applications, and merit. Such an exception is justified on the ground that it prevents the family from sliding into a condition of penury and without any means of

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livelihood. The whole object of granting compassionate appointment is thus to enable the family of the deceased to tide over the sudden crises. Furthermore, it has been held that mere death of an employee in harness does not entitle his family to compassionate appointment. What has to be examined is the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family would not be able to meet the financial crises, the appointment on compassionate ground would be granted to an eligible member of the family.

5. In the present case, Smt. Kastoori Devi's husband died on 31.10.1969, i.e., more than 26 years back, and there is no question of any sudden crises arising, which would justify the grant of compassionate appointment in this case.

6. In the result, no interference in the respondents' letter dated 6.12.1991 is warranted, and this application is dismissed at the stage of preliminary hearing. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

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