

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1189 of 2000

and

Original Application No.1188 of 2000

New Delhi, this the 25<sup>th</sup> day of May, 2001

**HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)**

Smt. Suresho w/o Late Shri Ramesh Chand Ex-Postal Asstt.  
Sarojni Nagar Head Post Office, New Delhi  
R/o Mandawali Fazilpur Delhi-92  
R/o Village Haktarpur, P.O. Sherpur (Gurgaon)  
address for service of notices C/o Shri Sant Lal  
Advocate, C-21 (B) New Multan Nagar,  
Delhi-110 056.

-APPLICANT

(By Advocate: Shri Sant Lal)

Versus

1. The Union of India,  
Through the Secretary  
Ministry of Communications,  
Dept. of Posts  
Dak Bhawan  
New Delhi-1
2. The Chief Postmaster General, Delhi Circle,  
Meghdoot Bhawan, New Delhi-110 001.
3. The Sr.Postmaster Sarojni Nagar Head Post  
Office,  
New Delhi-110 023.

-RESPONDENTS

(By Advocate: Shri G. Singh)

O R D E R

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

By this order I will decide OA Nos.1189 and 1188 of 2000 as the issue involved in both the cases are identical.

2. In OA 1189/2000 the applicant is seeking compassionate appointment and in OA 1188/2000, she is asking for retirement benefits like family pension, DCRG, Leave Encashment, Bonus, arrears of pay w.e.f. 1.1.1996.

*h*

8

3. The present OAs have been filed by the applicant seeking the relief of compassionate appointment in Group "D" cadre (Non Test Category) as already approved by the Chief Postmaster General Delhi Circle New Delhi vide his office letter No.R&E/B-41/73/96 dated 22.4.97. The applicant is the widow of Shri Ramesh Chand who was employed as Postal Assistant in Sarojni Nagar Head Post Office, New Delhi-23. He died while in service on 6.8.96 at a very young age, i.e., 45 years leaving behind a widow, 4 daughters and a son. She has so far not been paid the retirement dues and as such she is facing serious financial hardships.

4. It is further stated that her appointment to the lowest post in Group "D" cadre (Non Test Category) was approved by the competent authority but she has not been given any appointment so far. It is also submitted by the applicant that when her appointment was approved by the competent authority vide order dated 22.4.87 then why the impugned order dated 14.10.1998 has been issued rejecting her appointment on compassionate grounds but actually the appointment has not been given to her so far.

5. Facts in brief are that the applicant is the widow of late Shri Ramesh Chand who was working as Postal Assistant in Sarojni Nagar Head Post Office under Delhi Postal Circle. He died on 6.8.96 leaving behind his wife, Smt. Suresh, who is the applicant in the present

h

(A)

0AS, 4 daughters, a son and his old parents who were dependent on him. Immediately after the death of Shri Ramesh Chand, the applicant submitted an application for compassionate appointment and other terminal benefits to which she is entitled.

6. It is further submitted that vide letter dated 22.4.97 the Chief Postmaster General, Delhi Circle had approved the appointment of applicant on compassionate grounds in relaxation of rules but she was not appointed by respondent No.3 for reasons best known to respondent No.3.

7. It is further submitted by the applicant that she had submitted another application on 19.8.97 to the Chief Postmaster General, Delhi Circle, New Delhi in which she mentioned that the bereaved family are at the verge of starvation due to non-availability of any source of income and the appointment has not been given till date. Thereafter she requested that she may be considered in the Test category of Group "D", but her request was rejected vide order dated 19.9.97.

8. It is further submitted by the applicant that she was verbally asked for by the concerned authority to submit the Class Vth certificate so as to consider her case for compassionate appointment, which was submitted by the applicant in the last week of September, 1997.

9. It is further submitted that vide letter dated

h

10

14.10.1998 her request for compassionate appointment was rejected. Thereafter applicant submitted representations to the Prime Minister of India and the Cabinet Secretariat but nothing has been done so far. She has also relied upon a circular of DOP&T dated 30.6.93 which stipulates that "where a widow is appointed on compassionate ground to Group 'D' post she will be exempted from the requirements of educational qualification".

10. It is further submitted that the respondents be directed to pay the arrears of pension and other retirement benefits which has not been paid so far.

11. The OA is contested by the respondents and they have pleaded that Shri Ramesh Chand, while he was working as NSS committed fraud and had misappropriated Government money by fraudulent withdrawals/non-accounting of deposits from various accounts during the period 1.2.1995 to 6.8.96. The misappropriation of fraud came to light on 16.8.96. After detailed enquiry it was revealed that the total amount involved in the fraud was to the tune of Rs.10,24,160/- and the case is still under process and it was on this account that the retiral benefits has not been paid to the applicant.

12. It is further submitted that the case of the applicant for compassionate appointment was forwarded to the circle office on 9/10-10-96 after necessary

*km*

(11)

verification. Thereafter vide letter dated 22.4.97 it was informed that the applicant had been selected as Group "D" (Non-Test Category). The appointment was subject to the condition that she fulfils the minimum prescribed qualification. As there was no vacancy so she was offered the job of Safai Karmchari but there was no response from the applicant till 5.10.97. Vide letter dated 14.10.98 the applicant was informed that her request for compassionate appointment was rejected as such it is prayed that the OA be dismissed.

13. I have heard the learned counsel for the parties and gone through the records of the case.

14. It is admitted by the respondents that the applicant was offered the job of Group "D" (Non Test Category) on compassionate ground but subsequently the same was rejected on the ground that she did not join the post. Once an offer was made which was not accepted by the applicant, does not entitle her again to seek compassionate appointment again which she herself had refused. Hence, the prayer made by the applicant in OA 1189/2000 that she be given compassionate appointment is rejected.

15. As regards retiral benefits are concerned, respondents have taken a ground that Late Shri Ramesh Chand was involved in a fraud so his retirement benefits has not been paid. I may mention here that the

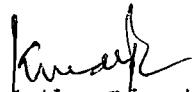
kr

12

respondents have stated in the counter-affidavit that they came to know of the fraud only after the death of the employee and immediately thereafter they had started enquiry against Late Shri Ramesh Chand, as such respondents are right in withholding the retirement dues.

16. Hence at this stage, no relief can be granted by directing the respondents to release the full retiral benefits. However, respondents are directed to complete the enquiry within a period of four months from the date of receipt of a copy of this order and meanwhile also to pay provisional family pension to applicants if eligible as per rules, instructions and judicial pronouncements on the subject. O.A.1188/2000 stands disposed of with these directions. No costs.

Let a copy of this order be placed in OA Nos. 1189 and 1188 of 2000.

  
(Kuldip Singh)  
Member (J)

Rakesh