



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.N0.060/01333/2018 Orders pronounced on: 30.12.2020
 (Orders reserved on: 17.12.2020)

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Paramjit Kaur

D/o Late Shri Hardish Ram,

Aged about 29 years,

R/o Village & Post Office, Jhanjrwal,

District Hoshiarpur, Pin Code-144530.

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Applicant

(BY ADVOCATE: MR. R.K. BAJAJ)

VERSUS

1. Union of India through its Secretary, Department of Posts,
 Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Postmaster General, Punjab Circle, Sector 17, Chandigarh-160017.
3. Senior Superintendent of Post Offices, Jalandhar Division, Jalandhar-144001.

Respondents

(BY ADVOCATE: MR. MR. SANJAY GOYAL)



ORDER
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. This Original Application (O.A) has been filed by applicant Paramjit Kaur seeking setting aside of the order dated 25.2.2015 (Annexure A-1) vide which her case for appointment on compassionate grounds has been rejected. She has also sought her appointment on compassionate ground against a suitable post commensurate to her academic qualifications.

2. Father of the applicant Hardish Ram was permanent employee of the Postal Department and was working as a Sweeper. He died on 16.1.2013 after over 14 years of service in the respondent department. Widow of Hardish Ram had already died on 15.4.1992 and the applicant being the only issue out of wedlock was the sole legal heir. She submitted her application for compassionate appointment to the department (Annexure A-3). This was forwarded to concerned quarter vide letter dated 8.7.2014 (Annexure A-4). Her case for compassionate appointment was considered by the Circle Relaxation Committee (CRC). However, vide order dated 25.2.2015 (Annexure A-1), her request was rejected.

3. The applicant then challenged order, Annexure A-1, in the Punjab and Haryana High Court by filing a Writ Petition, which was, however, returned with an objection dated 26.5.2016 to the effect that remedy lies before the Central Administrative Tribunal. Thereafter the O.A. was filed by the applicant in this Tribunal on 30.8.2018. M.A.No.



060/01714/2018 was also filed for condonation of delay of 979 days in filing the O.A.

4. The case of the applicant is that she is fully entitled for compassionate appointment as she is sole legal heir of deceased government employee Hardish Ram, being the only child and her mother having already predeceased Hardish Ram. She has also stated that she received entire terminal dues i.e. DCRG, GPF, CGEIS and leave encashment amounting to Rs.2,52,360/-. She is also receiving family pension of Rs.4,775/-per month. She is unmarried and has no other source of income. She does not have any property.

5. The applicant has also stated that as she is the only child of her parents and being the sole legal heir of Hardish Ram, her mother having already pre-deceased her father, she should be awarded 15 points meant for widows. If this is taken into consideration, her points would be 69 against 54 now awarded to her by the CRC (Annexure A-5), which would be above the cut-off points of 67 and she would be entitled for compassionate appointment.

6. The respondents have affirmed the basic facts brought out by the applicant in the O.A. However, they have stated that there is a delay of about 3 years and 6 months in filing of the O.A. which has not been adequately explained and as such, the case deserves to be dismissed being barred by time. Besides, they have stated that grant of the compassionate appointment is based on the Scheme of Compassionate Appointment and Government of India instructions thereon issued from time to time. The appointment is restricted to



only 5 percent of direct recruitment quota in Group 'C' and erstwhile Group 'D' posts. Further, in order to make comparative assessment of the various applicants objective, all the applicants are assessed on 100 point system basis, as per the Scheme already approved and circulated by the respondent department. Besides, compassionate appointment is not a matter of right and can only be given to the most deserving of all the candidates subject to the ceiling of 5 percent of the vacancies falling under direct recruit quota.

7. In the instant case, the CRC meeting was held on 2.2.2015. In CRC, 44 candidates were assessed based on 100 point system against 15 vacancies. The minutes of the meeting are enclosed as Annexure R-5. The applicant secured only 54 points against the cut off point of 67. As such, she could not be granted compassionate appointment.

8. The respondents have also stated that this Tribunal has dismissed other similar O.As filed by other applicants whose cases were considered in the same CRC meeting held on 2.2.2015, as under :-

(a) O.A.No.060/00570/2015 titled **Jaswinder Singh Vs. Union of India & Others**, decided on 22.1.2016.

(b) O.A.NO.060/00662/2016 titled **Gagandeep Singh Vs. Union of India & others**, decided on 28.2.2017.

(c) O.A.No.060/00717/2015 titled **Jagsir Singh Vs. Union of India & others**, decided on 31.5.2017.



Thus, the respondents have concluded that the findings of this CRC have already been validated by this Tribunal in a number of other cases and hence there is no reason for this Tribunal to interfere in the case of the present applicant.

9. During arguments, the learned counsel for the respondents also stated that applicant cannot be granted 15 points which are to be granted only to the widow of the deceased employee and as such, she is not entitled for compassionate appointment.

10. I have heard the learned counsel of opposite sides and have also gone through the pleadings and have given my thoughtful consideration to the matter.

11. The facts of the case are not in dispute. I find that the case of the applicant for compassionate appointment was considered by the competent authority – that is Circle Relaxation Committee (CRC) in its meeting held on 2.2.2015. The CRC in its meeting considered 44 applications against 15 vacancies. All the applicants were assessed on 100 point system by the CRC. The cut-off points were 67. The applicant secured only 54 points against the cut-off point of 67 and as such, CRC did not recommend her name for appointment on compassionate grounds.

12. I have also carefully gone through the minutes of the meeting of the CRC and do not find any apparent aberration requiring interference of this Tribunal. Even the applicant has not pointed out any aberration. The sole point raised by the applicant that since she is sole legal heir of the deceased



employee and if she is given 15 points meant for widow as her mother had already pre-deceased the government servant, she can get appointment on compassionate ground, is not supported by any Rule, Instructions or Law. I do not find this plea to be convincing or carrying any weight. The provision for grant of 15 points to the widow is based on preference to be given to widows for appointment on compassionate grounds. In case widow is not alive, marks meant for the widow cannot be transferred to her children as this would be against the basic spirit of the Scheme. This view is also in line with the government instructions which are already well settled and are as per the accepted principle of government's preference to the widows over the children.

13. I find that the applicant has obtained only 54 points against the cut off point of 67. As such, her case for appointment on compassionate ground was rightly dismissed by the respondent department.

14. Even otherwise, the proceedings of the CRC meeting held on 2.2.2015 have already been scrutinized by this Tribunal in a number of other cases and it did not find any reasons for interference. Thus, the proceedings of the CRC in a way stand validated by this very Tribunal.

15. Besides above, the applicant has filed application for condonation of delay of 979 days. The reason given is "unavoidable family circumstances" and that delay is not wilful or intentional. The reason is not at all adequate and does not justify the huge delay of 979 days - that is over 2-1/2 years. The O.A., therefore, deserves to be dismissed even on



ground of limitation. However, in the interest of justice, we have also considered the case on merits.

16. In view of the above discussion, the O.A. is found to be barred by law of limitation as well as bereft of any merit and is dismissed accordingly. No costs.

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 30.12.2020

HC*