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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No: 1419 of 1993

New Delhi this the 10th Day of December, 1993

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)
THE HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (A)

Mrs. Sarjo Devi,
Widow of Late Shri Raghbir Singh,
Ex-Stamp Vendor/Postman
Delhi Cantt. Post Office
House No. SRS-104, Peeragarhi,
Delhi-110 41

.. Petitioners

(Applicant in person)

Vs

1. The Director General,
Department of Posts,
Ministry of Communications,
Govt. of India, Dak Bhawan,
Parliament Street,
New Delhi.
2. The Chief Postmaster General,
Delhi Circle,
Maghdoor Bhawan,
New Delhi-110 001.
3. The Senior Superintendent Of Post Offices,
South West Div. Chankayapur,
New Delhi-110 021. Respondents

(By Advocate Ms. Pritima Mittal,
Proxy Counsel for Shri KC Mittal)

O R D E R (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The husband of the applicant while working as stamp vendor in the Post Office, Delhi Cantt, died in harness on October 19, 1983. He is survived by the applicant, one employed elder son Jagdish in the Post Office, two married daughters - Santosh and Sarla and minor son Satish Kumar born in August 1969. The family received terminal benefits of the deceased employee and also the family pension which is about Rs. 687/- and odd per month. Since the applicant was minor and the widow Sarjo Devi did not pray for compassionate appointment as she was about 50 years of age at the time of the death of

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the employee. An application was made for appointment of Satish Kumar on compassionate ground. The respondents have considered this application and also called for the education qualification of Satish Kumar. Ultimately the request was rejected on 11.7.1988. Again, she made certain representations which were subsequently rejected in November 1990. Another representation made by the applicant was reconsidered and rejected by the Assistant Director General vide order dated 14.1.1993. Aggrieved by the same the present application has been filed in June 1993 in which the applicant has made a prayer that the son Satish Kumar be granted compassionate appointment in relaxation of the department's recruitment rules. A notice was issued to the respondents who contested the application and stated that one of the sons of the deceased employee is already engaged in the Postal Department, both the daughters of the deceased employee were married and the only liability left by the deceased was son Satish Kumar and the widow, the applicant. The terminal benefits received by the deceased family and the family pension granted to the applicant and the immovable property possessed did not justify the grant of compassionate appointment to Satish Kumar, the family not being in indigent circumstances. It is further stated that the death took place in October, 1983 and the family pulled on comfortably for all these years which also substantiate the conclusions drawn by the respondents.

The widow appeared in person alongwith son Satish Kumar and left the matter at the mercy of the Bench stating that the money they got on account of terminal benefits of the deceased employee was paid towards

outstanding dues left by the deceased and that the amount of family pension is not sufficient to make both ends meet and for earning square meal both times a day.

The counsel for the respondents argued that the applicant had pulled on well for all these years and if there was dire necessity the order passed in 1988, 1990 and 1991 were not judicially reviewed. One of the sons of the applicant is already employed in Post Office.

It is also said that the family is owning immovable property i.e. a residential house. The family is not indigent warranting an assistance in compassionate appointment and no interference be made in the case.

We have given a thoughtful consideration to the rival contentions of the parties. The order of rejection did not disclose the reasons to arrive at a conclusion that the family is not indigent. The authorities concerned should have given a reasoned order to make out a case that assistance cannot be provided in such a case. Merely because family pension is being paid for, and the deceased left a residential house maynot be sufficient in certain cases to deprive the benefit of assistance in compassionate appointment. The standard of living of the parties concerned and the other help available to the bereaved family of the deceased are also matters to be considered. It is a fact that compassionate appointment is not a matter of right but at the same time the Government of India and also the Department of Posts have issued Circulars/instructions from time to time for giving compassionate appointment to the dependents of the

deceased employee who dies in harness. We have perused the orders passed in 1988, 1990 and 1991 but none of these orders give out detailed reasons for rejecting the case of the applicant. On our part we do not want to appreciate whether the family is indigent.

In view of the above facts and circumstances, the application is disposed of with the direction to the respondents to consider the case of the applicant in the light of the Circular of Posts & Telegraphs of 12.3.1986 (Annexure A15) read with the OM issued by the Ministry of Personnel and Training dated 25.11.1978 and dispose of the representation of the applicant by a Speaking Order. In case the applicant is aggrieved he can appeal against that order for which the liberty is granted. Parties to bear their own costs.

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(P.T. Thiruvengadam)
Member(A)

J. P. Sharma

(J.P. Sharma) 10.12.93
Member(J)

Mittal