

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 16th day of January 1998.

Original Application no. 307 of 1996

Hon'ble Mr. S. Dayal, Administrative Member.

Kishor, S/o Late Shri Natthu,
r/o Sarai Meera (Kannauj),
Distt. Farrukhabad.

... Applicant.

C/A Shri S.C. Verma

Versus

1. The Chief Post Master General, U.P. Circle, Lucknow.
2. The Superintendent, Post Offices, Farrukhabad.
3. Sub-Divisional Inspector, Post Offices, Kannauj, Distt-Farrukhabad.
4. Union of India, service through the Chief postmaster General, U.P. Circle , Lucknow.

.... Respondents

C/R Km. Sadhana Srivastava

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the Administrative Tribunals Act, 1985.

2. The applicant seeks the following reliefs in this application:-

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- i. An order of the tribunal setting aside the order of the respondents dated 31.05.95
- ii. A direction to the respondents to appoint the applicant as Extra Departmental Attendant or Extra Departmental Runner in place of his father Natthu, who died in harness after considering his representation dated 26.06.95.
- iii. Award cost of the application.

3. In short the applicant seeks compassionate appointment by filing the present application.

4. The facts as stated by the applicant are that Shri Natthu, who was working as Extra Departmental Male Carrier from Sarain Meera to Miyanganj, died in harness on 30.08.94. He left behind him two sons Prem Chandra and Kishore, one married daughter and a widowed sister. Of these Prem Chandra and the married daughter were not dependent on his father while Kishore and widowed sister were his dependents. He claims to have made an application for compassionate appointment dated 02.09.94 annexing School Leaving Certificate showing that the applicant had passed class VIII, death certificate of his father and certificate of Tahsildar showing that the applicant belonged to Scheduled Caste Community and his income was Rs. 500 per month. He also sent consent letter of his brother annexed to his letter dated 06.04.95 in response to the respondent's letter dated 07.01.95. His application for compassionate appointment was, however, rejected on 31.05.95. He has made a representation dated 27.06.95 against the rejection.

5. The applicant claims the relief mainly on three grounds. The first is that the respondents in rejecting his

application for compassionate appointment had not considered the consent given for his compassionate appointment by his brother Shri Prem Chand. Secondly, the fact that none of the sons and daughters of Late Shri Natthu had a Government job. Thirdly the applicant was left in indigent circumstances and was required to look after the widowed sister of his father in addition to himself and his family.

6. The arguments of Shri S.K. Shukla, Briefholder of Shri S.C. Verma, learned counsel for the applicant and of Km. Sadhana Srivastava, learned counsel for the respondents have been heard and the pleadings have been considered .

7. The impugned order shows that the application has been rejected on the ground that one son was employed and there was no liability on the applicant (of Supporting his father's dependents). The main reason why compassionate appointment is given to a dependent is that the family of a deceased employee is left in indigent circumstances because the family was totally dependent on the salary of the deceased employee and the gratuity, provident fund, pension and other terminal benefits to which the family may be entitled are grossly inadequate to support the dependents. In the present case the applicant is a son of the deceased employee who was 31 years old at the time of the death of the employee and has as family of his own. It appears that he is earning because his monthly income is certified to be Rs. 500/- per month. The tahsildar has not mentioned the basis of assessment of the income of the applicant. In any case the applicant can not be considered to be a dependent at the time of the death of his father. The widowed sister of his father can also not be considered as a dependent of his father at the time of his death. The

applicant has not even disclosed the name of the widowed sister of his father in his application. He has in all probability given this fact in order to give strength to his claim for compassionate appointment.

8. The applicant has stated that the letter given by his brother about no objection to the applicant's appointment on compassionate ground was not placed by the respondents before the authority which rejected his application for such an appointment. This allegation appears to be correct as the respondents in their reply have merely stated that the letter dated 06.04.95 was not available at the time of making the synopsis. However, since the application for compassionate appointment has been found to be misconceived in the previous paragraph of this judgment, the no-objection certificate by the applicant's brother loses its relevance and considering this letter containing the certificate would not change the decision taken by the respondents regarding the applicant's ineligibility for compassionate appointment. Moreover, there is no clarity in the application regarding the date of such a certificate. The applicant's mentions the date of letter of Shri Prem Chand in his O.A. as 04.06.95 and states that it accompanied his letter dated 06.04.95. This is an improbability Annexure B-8 shows 04.06.94 as the date of this letter. This is also an improbability because this letter refers to Shri Nathu as deceased while Shri Natthu died only on 30.08.94.

9. The applicant considers himself eligible for compassionate appointment because none of the brothers or sisters of his had a Government job. The applicant seems to have been harbouring a misconception that only those engagement in a Government job are to be treated as having

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income adequate to support a family or that the Government has a policy to provide at least one Government job to each family. Such is not the policy of the Government and, therefore the fact that none of his brother and sisters had a Government job lends any support to the applicant's claim for compassionate appointment.

10. The respondents have mentioned in their counter reply that the applicant projected himself as illiterate in his application, a photocopy of which has been annexed to the counter reply. Yet the applicant letter came up with the photocopy of School Leaving Certificate in which it is mentioned that the applicant had passed class VIII. When he was asked to supply the original of the photocopy, he could not supply it on the ground that it was not returned by the Inspector who had taken it in connection with the enquiry. The photocopy of the application shows that the applicant has pucca house in Sarai Meer and the deceased had three daughters instead of one mentioned by the applicant in his application. It is clear that the applicant has tried to mislead the court and cannot be relied on.

11. The application is thus found to be without any merits and is dismissed.

A.M.

/pc/

Complaint
JL