

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1263 of 2004.

Allahabad this the 16th day of May 2004.

Hon'ble Mr. K.B.S. Rajan, J.M.

Akhlesh Prakash Singh,
S/o Late Sri Ram Prasad,
R/o Postal Colony,
Head Post Office,
MIRZAPUR.

.....Applicant

By Adv: Sri S.K. Singh & Sri P. Kumar

V E R S U S

1. Union of India, through Secretary, Ministry of Communication and Post, NEW DELHI.
2. Superintendent of Post Offices Mirzapur Division, MIRZAPUR.
3. Chief Post Master General 1 UP Circle, LUCKNOW.
4. Post Master General Mirzapur Region, MIRZAPUR.

..... Respondents

By Adv: Sri S. Singh

O R D E R

By K.B.S. Rajan, JM

This is a case of compassionate appointment. The applicant's father expired in March, 2000 and the mother of the applicant was paid a sum of Rs.3.50 lakhs as the terminal benefit due to the



applicant's father and in addition, a sum of Rs.3,500/- is paid to the mother as family pension which, of course, would be reduced to Rs.1,500/- after seven years from the date of initial pension. There are in all six members in the family. There is only one small room, evaluated at Rs.5,000/- and the annual agricultural income is Rs.2,000/- as certified by the Village Officer. The respondent has rejected the case of the applicant for compassionate appointment on the ground that the Circle Relaxation Committee did not recommend for appointment taking into account the liability of the family like education of minor children, marriage of daughters, responsibility of aged parents, prolonged and major ailment of a member, availability of dependable and secured shelter and financial condition and other relevant factors after inter-se-consideration of all the cases and also keeping in view the prescribed ceiling for appointment on compassionate ground.

2. The limited number of vacancies to be filled in by Compassionate appointments and the comparatively large number of applications for such appointment necessitate the respondents to weigh the comparative hardships amongst the applicants and only the most deserving candidates could be given such appointments. Hence, the screening process adopted by the respondents appears fair and equitable.

[Signature]

3. Respondents have contested the OA and their version is as under:

- a) Sri Ram Prasad, Postal Assistant, HPO, Mirzapur expired on 20.02.2000 leaving behind his wife Smt. Pushpa Devi, three unmarried sons and two unmarried daughters. The family of the deceased employee has in receipt of Rs.3,49,140/- as terminal benefits and is getting family pension Rs.3550/- per month. Smt. Pushpa Devi, wife of the deceased vide her letter dated 21.03.2000 prayed for appointment on compassionate grounds in favour of her younger son Sri Akhilesh Prakash Singh, a/a 22 years, (the applicant). The case for appointment on compassionate grounds was considered by the Circle Relaxation Committee through rotation of file amongst member of the CRC and he was not approved for appointment on compassionate grounds vide CPMG, Lucknow letter dated 28.04.2004. The applicant has also been informed about the said decision vide letter dated 06.05.2004.
- b) The case of appointment on compassionate grounds are governed under the scheme framed by Nodal Ministry and instructions issued from time to time. The Postal department has no jurisdiction to frame the policy for appointment on compassionate grounds at its own level.
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The appointments on compassionate grounds cannot be claimed as a matter of right but is provided to dependent of Ex-official/deceased employee who retired due to invalidation /expired leaving their family in indigent circumstances. There is a ceiling of 5% of the vacancies under the direct recruitment quota for consideration of cases of appointment on compassionate grounds.

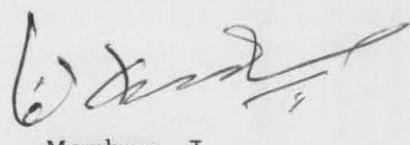
c) In the circumstances mentioned above and also considering the financial status, social liabilities and other aspect as mentioned in the order dated 28.04.2004, the applicant could not be provided appointment on compassionate grounds and, therefore, the applicant is not at all entitled for relief(s) as claimed in the instant O.A. and the same may be dismissed with costs.

4. Arguments were heard and documents perused. The CRC seems to have considered the case of the applicant only once in 2004 and rejected as the case of the applicant could not come within 5% vacancies for direct recruitment. In fact, as per the provisions of DOPT OM, consideration should be thrice. As such, interest of justice would be met, if a direction is issued to the respondents to consider the case of the applicant in the next CRC as well (in case three times were not considered)

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and communicate the decision to the applicant. In case of rejection, details of the marks awarded to the applicant and those who were granted the appointment should be specified in the communication. It is accordingly ordered.

5. OA is disposed of on the above lines and directions. No cost.



Member-J

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