

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

original Application No. 235 of 2004.

this the 12th day of March 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Raghavendra Yadav, aged about 26 years, S/o late Rama Shanker Yadav, R/o Village Ram Nagar, Gurgujpur, P.O. Sawrah, District Ballia.

Applicant.

By Advocate : Sri Awadhesh Rai.

Versus.

1. Union of India through the Secretary, Ministry of Communication, Department of posts, Dak Bhawan, Parliament Street, New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. The Supdt. of post Offices, Ballia Division, Ballia.

Respondents.

By Advocate : Sri R.C. Joshi.

O R D E R

By this O.A., applicant has sought a direction to the respondents to consider the case of the applicant for appointment on compassionate grounds in Group 'D' post.

2. I have heard applicant's counsel and perused the pleadings available in the O.A.
3. Admittedly, applicant's father died on 12.5.99 while in service. Thereafter, he applied for compassionate appointment, which was considered by the committee and he was informed vide Annexure A-1, the family in has been found not/indigent circumstances in comparison to those cases which were recommended for compassionate

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appointment by CEC within the limited number of vacancies. They have further explained that the family is getting family pension of Rs.1650/- plus D.A. alongwith the terminal benefits of Rs.197450/-. They have their own house and the deceased employee had completed more than 18 years of service. The applicant has submitted that he had given a detailed representation after this order on 27.9.2002 stating therein ~~all~~ the details including that his father had died after prolonged illness. There is no other earning member in the family and he is ^{the} only son. The deceased employee had left behind his widow, five daughters and one son, one daughter is still to be married while Gauna has to be performed, therefore, his case may be re-considered for compassionate appointment.

4. The law is well settled by now that compassionate appointment cannot be sought as a matter of right, but can be given only in exceptional circumstances where the family is found to be ⁱⁿ total indigent circumstances and the case comes within the limited number of vacancies meant for compassionate appointment. It is also settled by now that a person only has a right of consideration. In the present case, since applicant's case has already been considered by the CEC and they have given valid reasoning ^{while} ~~in~~ rejecting his claim, I do not find any good ground to interfere in the present case. Admittedly, all the four daughters are married and in only one case Gauna has to be performed, that means that ^{one} daughter and one son were left, whereas if there are cases which are more deserving than the applicant, naturally, respondents have to give preference to those cases as compassionate appointment can be given only to the extent of 5% limited number of vacancies meant for compassionate appointment. Simply because the son is unemployed, no direction can be given to the respon-

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dents to given compassionate appointment to the applicant. Respondents have stated categorically that this case was not found to be one of indigent circumstances. Even otherwise, it is seen that the deceased employee had died on 12.5.99 and the applicant was given a representation some-where in the year 2002 as the applicant's representation is also dated 27.9.2002, but the O.A. has been filed only on 6.2.2004. This in itself shows that the family is not/such in bad situation because per he is coming to the Court as/his own convenience and did not even file O.A. immediately after he was informed that he cannot be given compassionate appointment. Time is very important factor in these cases, where compassionate appointment is sought.

5. In view of the above discussion, I do not find any merit in the O.A. The same is accordingly dismissed at admission stage itself with no order as to costs.



MEMBER (J)

GIRISH/-