

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

...

Original Application No. 334 of 2004  
this the 5th day of April'2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)  
HON'BLE MR. S.C. CHAUBE, MEMBER(A)

Kumar Gaurav, S/o late Sri Mahendra Singh, R/o Village  
Saini, post Saini, District Meerut.

Applicant.

By Advocate : Sri P.C. Misra.

Versus.

1. Union of India through Secretary, Ministry of posts,  
Dak Bhawan, New Delhi.
2. Chief postmaster General, U.P. Zone, Lucknow.
3. Sr. Supdt. of post Offices, Meerut Region,  
Meerut.

Respondents.

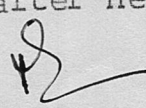
By Advocate. Sri R.C. Joshi.

ORDER

PER MRS. MEERA CHHIBBER, MEMBER(J)

By this O.A., applicant has challenged the order dated 8.7.2002 (page 11) whereby applicant's request for grant of compassionate appointment has been rejected on the ground that after the death of the deceased employee on 17.10.98, his dependents were given 208042/- apart from family pension @ Rs.2562 + D.A. per month and they have own house and agricultural land, therefore, the case of the applicant has been found not fit for grant of compassionate appointment by the Circle Relaxation Committee. He has further sought a direction to the respondents to appoint the applicant under Dying in harness Rules on any suitable post.

2. It is submitted by the applicant that his father had died on 17.10.98 after he sustained serious burn injury

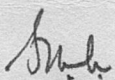


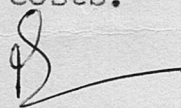
and was admitted in Safdarjung Hospital, New Delhi, leaving behind his widow, two sons and one daughter. Since the whole family was dependent on the deceased employee, applicant applied for compassionate appointment on 16.7.1999. Since no reply was being given, reminders were given to the respondents, but ultimately by the impugned order the request of the applicant for grant of compassionate appointment has been rejected. It is submitted by the applicant that his case has been rejected arbitrarily on the grounds that they have been paid post retiral benefits and own agricultural land. It is submitted by the applicant that since family members are economically stressed, the case needs to be re-considered by taking into account the reports which are annexed with the O.A. Applicant has further submitted that his mother was also under some treatment and the daughter of the deceased employee is also of marriagable age, therefore, it is a fit case for grant of compassionate appointment.

3. Perusal of the letters annexed by the applicant himself show that they have not disputed that they do own a house as well as agricultural land, but the only ground taken is that the land is too small which is not sufficient for survival of their family members. The law on this point is well settled by now that compassionate appointment cannot be sought as a matter of right or as a line of succession, meaning thereby that in every case of death, the dependents cannot ask for compassionate appointment as it has to be given only in exceptional circumstances where after the death of the sole bread earner of the family, the dependents are left in a total lurch. They do not have sufficient means to survive while liabilities left by the deceased employee are much more, which cannot be taken care of by the widow or the sons, unless they are given the assistance by the respondents. In this case, in her representation dated 5.8.2002, applicant's mother has admitted that she does own a house and agricultural land in which she is



living with her children. The land is just sufficient for making the ends <sup>both</sup> meet <sup>for</sup> the family. This itself shows that the condition of the family is not so bad. In any case, a person has only a right for consideration. Since applicant's case has already been considered by the Circle Relaxation Committee, who have given valid reasons while rejecting the claim of the applicant, we do not find any good ground to interfere in this case. The O.A. is accordingly dismissed at admission stage itself with no order as to costs.

  
MEMBER (A)

  
MEMBER (J)

GIRISH/-