

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 2nd day of August 2006.

Original Application No. 1065 of 2004.

Hon'ble Mr. P.K. Chatterji, Member-A

Ghanshyam, S/o late Ram Lakahn,  
R/o Village-Nawabganj, Post Atrampur,  
ALLAHABAD.

. . . . . Applicants

By Adv: Sri R.C. Srivastava

V E R S U S

1. Union of India through the Secretary,  
Ministry of Communication,  
Department of Post & Telegraph,  
MUMBAI.
2. The Chief Post Master General, UP Circle,  
LUCKNOW.
3. The Senior Superintendent, Post Offices,  
Allahabad Division,  
ALLAHABAD.

. . . . . Respondents

By Adv: Sri S. Singh.

O R D E R

By Hon'ble Mr. P.K. Chatterji, Member-A

In this OA No. 1065 of 2004, the applicant Sri Ghanshyam, has challenged the order dated 04.06.2004 issued by the Assistant Director of Postal Services (Recruitment), Office of the CPMG, UP Circle, Lucknow, on the request of the applicant for job on compassionate grounds. The applicant had earlier submitted an OA No. 1556 of 2002 before this Tribunal and on consideration of the OA the Tribunal

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directed the respondents to consider the application for compassionate appointment and to take <sup>a</sup> decision and thereafter issue reasoned and speaking order in the matter. It is this order issued on behalf of the CPMG, UP Circle, Lucknow, which has been challenged by the applicant in this OA.

2. The applicant is the son of late Sri Ram Lakhan who was working as Postman in Allahabad, Head Post Office till his death i.e. on 20.09.2000. Late Sri Ram Lakhan, left behind him his widow and three major sons. The applicant and his mother Smt. Kewla Devi submitted an application for providing job to the present applicant on compassionate ground as Class IV employee. The applicant had passed 8<sup>th</sup> Standard in the year 1993 and, therefore, was qualified to hold the post of Class IV employee. It has been stated by the applicant in the OA that the financial condition of the family of the applicant was very poor and, therefore, their case deserves favorable consideration.

3. On the death of Ram Lakhan, the applicant made representation on compassionate grounds on 16.11.2000, but the respondents on his representation took no decision. Thereafter, the applicant moved OA No. 1556 of 2002. As per direction of the Tribunal the case of the applicant was considered and decision was conveyed to the applicant on behalf of CPMG, UP Circle, Lucknow, by

*M. K. Singh*



the Assistant Director recruitment vide his order dated 04.06.2004. In the communication letter it has been stated by the Assistant Director that the <sup>appropriate</sup> ~~Appellate~~ Authority carefully considered the financial condition and all other aspects. The case, after completion of all formalities, was submitted to the Circle Relaxation Committee (CRC) in the meeting on 20/23.01.2004 and the Committee after careful assessment of the application vis-à-vis all other similar representations and keeping in view the limited number of vacancies for appointment on compassionate ground could not approved the case of the applicant for compassionate appointment. Thereafter, the present OA has been filed.

4. Counter Affidavit has also <sup>been</sup> filed by the respondents in which they have given the grounds for rejection of the application after careful consideration. The learned counsel for the respondents has brought to my notice the difficulties faced by the CRC in accommodating a very large number of requests for compassionate appointment within a very limited number of vacancies earmarked for such appointment by the appropriate authorities. In such a situation they have to choose the most deserving case only, keeping in view the need for providing immediate relief, which is the purpose of compassionate appointment, indigence i.e. financial condition and any other

*M. S. Ahluwalia*



distress to which the family might be passing through. For this reason their job is very difficult and some grounds/parameters have to be fixed so that only <sup>the</sup> most deserving cases are approved.

5. In this context, the learned counsel for the applicant has brought to my notice the judgment of the Apex Court in the related matters which ~~is~~ <sup>was</sup> decided earlier that the retirement benefits given to the family of the deceased should not be the ground for rejection of any request for compassionate ground. On this the learned counsel for the respondents stated that the ~~retrial~~ <sup>retrial</sup> benefit has not been made the ground for rejection of the applicant's case, but when the respondents have to select a very limited number of applications out of very large number then assessment of the financial condition has to be made and for this the quantum of retrial benefits has to go into consideration.

6. On the basis of the pleadings and arguments during hearing I have applied mind to this case. It cannot be gainsaid that under the present situation the job of the respondents in selecting the most deserving candidate is not indeed an enviable one, When the department has to select only a few for compassionate appointment out of a large number of representations, some are bound to be looser. I,

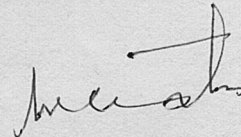
*Murahi*



am however,  
~~therefore~~, satisfied that case of the applicant was  
 carefully considered by the CRC. It is unfortunate  
 that it could not be approved on merit, for the  
 reasons that there were cases of more ~~acute~~ <sup>acute</sup> ~~acute~~,  
 indigence and distress. Principal Bench of this  
 Tribunal in O.A. No. 562 of 2002 considered the  
 matter in ~~depth~~ <sup>depth</sup> ~~depth~~ and has observed as follows:

"I have considered the submission made by the  
 learned counsel and also provisions made in  
 relevant guidelines made by the Government of  
 India. It is clear that compassionate appointment  
 cannot be claimed as a matter of right. Moreover,  
 having regard to the ceiling of 5% of direct  
 recruitment quota posts for making appointment on  
 compassionate basis, it is not possible to  
 accommodate each and every person. The  
 competitive merit of various applicants is  
 required to be determined by careful assessment of  
 financial state in the ~~notice~~ <sup>notice</sup> of family of the  
 deceased employee. It is natural that in such a  
 situation there ~~is~~ <sup>will</sup> always be some who are left  
 out."

7. With the above mentioned consideration I am of  
 the view that the OA need not be allowed and the  
 same is accordingly dismissed with no order as to  
 costs.



Member (A)

/pc/