

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

O.A.No. 362/92

Krishn Kumar,..... Applicant

Versus

Union of India and others..... Respondents.

Hon'ble Mr. Maharaj Din, J.M.

( By Hon'ble Mr. Maharaj Din, J.M.)

This is an application under section 19 of the Administrative Tribunal Act for providing compassionate appointment to the applicant.

2. The relevant facts giving rise to this application are that Sri Bhagwat Singh father of the petitioner was appointed as boy peon under the employment of the respondents<sup>a</sup> on 30.10.86 afterwards he was promoted as a patcher. He died on 3.8.76 while he was in the employment of the respondents<sup>a</sup> leaving behind his young wife Ram Moorti Devi aged 32 years, Krishn Kumar the applicant aged about 6 years and Km. Pushpa Rani daughter aged about 6 years. The applicant being minor at the time of the death of his father could not apply for employment. When applicant became major, his mother Smt. Ram Moorti Devi applied for compassionate appointment of the applicant on any suitable post. The application of compassionate appointment was rejected, hence the applicant has come up before the Tribunal for the aforesaid relief.

3. The respondents have filed reply and have resisted the claim of the applicant for compassionate appointment.

4. I have heard the learned counsel for the parties and carefully perused the record of the case.

5. The applicant has filed letter of appointment of his father who was made quasi permanent as

boy peon on 26.9.74 ( Annexure 1), letter of Post Master General, U.P. Circle showing the date of birth of the deceased Bhagwat Singh ( Annexure 2), another letter of Post Master General of U.P. Circle dated 8.10.90 ( Annexure 3 ), letter of Post Master Rampur dated 3.7.90 showing the payment of the retiral benefit to Ram Moorti Devi widow of deceased Bhagwat Singh ( Annexure 4), Certificate of Gram Sabha showing the date of birth of the applicant ( Annexure 5), application dated 5.2.91 for compassionate appointment of the applicant ( Annexure 6), letter dated 5.6.91 of Post Master General U.P. Circle rejecting the application dated 5.2.91 (Annexure 7), Memorandum of appeal to the Hon'ble Minister of Communication ( Annexure 8), Certificate of Tahsildar showing the applicant belongs to Scheduled Caste ( Annexure 9), Circular of U.P. Government dated 21.12.73 (Annexure 10) and certificate dated 6.1.72 of the Principal of Rajkiya Raza, Post Graduate Degree College, Rampur where the student studied.( Annexure 11).

6. As against this the respondents have filed letter addressed to Ram Moorti Devi by Chief Post Master General U.P. Circle, Lucknow, intimating that the applicant <sup>is time barred</sup> ~~is time barred~~ ~~had become over age~~ ( Annexure CA1), and copy of communication by D.G. P. & T., New Delhi addressed to all of heads of postal circles and other administrative offices ( Annexure CA2), and another copy of letter No. 24/269/87-SPB-I dated 10.2.88 from Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi, ( Annexure CA3) addressed to all postal circles and others and copy of the application of Smt. Ram Moorti Devi praying for providing compassionate appointment to the applicant (Annexure CA4)

7. The admitted facts are that the applicant is the son of deceased Bhagwat Singh who died in harness. The applicant was aged about 6 years at the time of the death of his father and was not eligible for any appointment on compassionate ground. Ram Murti Devi has, however, applied for compassionate appointment of the applicant on his becoming the major after a gap of 15 years. The learned counsel for the respondents has contended that the request for compassionate appointment of the applicant's mother has been turned down because the application was moved after a considerable delay vide Annexure A1.

8. The Director General Post and Telegraph, New Delhi issued instruction regarding employment for the dependents of deceased P & T employees according to which requests for making appointment on compassionate ground should be made within 5 years from the date of death of the employee. (Annexure CA2). This scheme further lays down that the time limitation of 5 years will also be applicable to those cases where the dependent who was minor at the time of the death of the employee attained maturity within 5 years. The respondents have also filed office memorandum issued by the Ministry of Personnel Public Grievances and Pension ( Department of Personnel and Training ) dated 30.6.87 on the subject of compassionate appointment of the dependent of the employee ( Annexure CA3), according to which this scheme is applicable to a son/daughter/near relative of the Government servant who dies in harness leaving his family in immediate need of assistance when there is no other earning member in the

family and whose family is in immediate need of financial assistance. In this scheme 5 years time limit for moving the application for compassionate appointment is provided from the date of the death of the official. From these letters issued by the Government it is clear that the scheme has been formulated to provide immediate assistance to the family of the deceased by making compassionate appointment to the member of the family of the deceased employee under indigent circumstances so that the family may not starve after the death of the bread earner. Bhagwat Singh the father of the petitioner died in the year 1967. The widow Ram Moorti Devi who was a young lady at the time of the death of her husband and was also eligible for compassionate appointment did not feel necessity to get employment on compassionate ground. It shows that the family of the deceased employee was not in need of immediate financial assistance and the Government employee had not died in indigent circumstances. The applicant's mother is getting family pension and she received the terminal benefits after the death of her husband. In the present case the competent authority has rejected the claim of the applicant vide Annexure-CA1 after considering all aspect of the case and particularly the time limit provided in the scheme.

9. In para no.11 of the Q.A. it is stated that the department has given employment in similar circumstances to other persons and the applicant has been discriminated. The name of Jamil Ahmad s/o Shabbir Hasan has been particularly mentioned who has been given employment in the year 1988 whereas his father had died in the year 1972. This fact has been denied by the respondent in para no.22

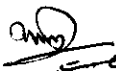
of the counter affidavit and the respondents have stressed that the applicant be asked to furnish full particulars of the case and the file relating to appointment of Jamil Ahmad on compassionate ground, which are not produced.

10. The applicant has produced the caste certificate stating that he belongs to scheduled caste and he should be given appointment on that ground too. There is no rule which provides special treatment to the scheduled caste candidates in the matter of appointment on compassionate ground.

11. After the rejection of the application of the applicant vide Annexure-A1 an appeal was preferred before the Minister for Communications but the appeal was also rejected by the Minister of State for communications on the ground that after a lapse of considerable period the request for compassionate appointment cannot be considered.

12. So considering these facts and the circumstances of the case I find that the application of the applicant is devoid of merits and it is accordingly rejected with no order as to costs.

Dated: Allahabad  
4<sup>th</sup> September, 1992

  
5-9-92  
Member (J)

(AR)