

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 907 of 1992

Ish Prakash Applicant.

Versus

Union of India
and others Respondents.

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(By Hon. Mr. Maharaj-Din, Member(J))

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief to provide appointment on the compassionate ground to the applicant after setting aside the order dated 29.4.1992(Annexure-A) passed by the respondent no.2. It is further prayed that the direction be issued to the respondents to consider the applicant for employment of respondent no.2 since the date of his previous application(O.A. No. 1027 of 1990) and to pay him entire due salary and also continue to pay salary thereafter against the post of postal clerk.

2. The relevant facts giving rise to this application are that the father of the applicant was appointed in the post office and was due to be retired on 30.6.1990 but he died while in service on 22.6.1989. The father of the applicant at the time of his death was working on the post of Assistant Post Master(Dak) head post office, Mainpuri. The widow of the deceased employee pre-deceased to him. The deceased employee left behind 5 sons and it is stated that all of them except one Hari Prakash are unemployed. Hari Prakash



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is employed in the police department who is living separately from the family since life time of the deceased employee. The applicant is educated upto intermediate. It is stated that he has no means to earn his livelihood and he is supposed to support one elder brother, and 2 youger brothers, as such, the condition of the family of the deceased is indigent and distress.

3. The respondents have filed their counter affidavit and have resisted the claim of the applicant interalia on the ground that the condition of the family of the deceased employee is not indigent and does not require immediate assistance , as such, the applicant is not entitled to get appointment in a Government job on compassionate ground.

4. The applicant had filed a petition earlier which was registered as O.A. No. 1027 of 1990 Ish Prakash Vs. Union of India and others which was disposed of vide order dated 15.2.1992 with the direction to the post master general U.P. Lucknow to consider the case of the applicant for appointment on compassionate ground or either to pass a reasoned order within three months from the date of communication of the order. In compliance of the order of the Tribunal , the case of the applicant was placed before Circle Selection Committee under the chairmanship of Chief Post Master General ,U.P. Circle, Lucknow and the application of the applicant was rejected on three grounds viz;

- (i) The family received considerable terminal benefits and also have some landed property.
- (ii) There is an earning member in the family.
- (iii) All the five sons of the deceased are grown up and able to feed for themselves.

Assigning these reasons, the committee was of the view that the family of the deceased is not indigent and does not require immediate financial support. Thus, the committee constituted under the Chairmanship of Chief Post Master General, U.P. Circle, Lucknow has examined the case of the applicant afresh and also recorded the reasons for rejecting the application of the applicant for appointment on the compassionate ground. So the allegation of the applicant that no reason was recorded by the respondents while rejecting his application, is incorrect.

5. The deceased employee, Chunni Lal, who was the father of the applicant was, admittedly, due to retire on 30.6.1990 but he expired about [✓]any year before the date of his retirement on superannuation. So the deceased employee had almost completed his full term of his service except one year and he became entitled to get all retiral benefits. The family of the deceased received about 1 lac as terminal benefits besides the family pension worth Rs. 900/- per month upto 9.11.1991 and thereafter the family pension was being paid at the rate of 450/- per month plus D.A.R. It is stated that the deceased employee had some

landed property also. So considering these facts and circumstances of the case, ^{It} ~~we~~ agree with a view taken by the Circle Selection Committee. One of the son HariPrakash of the deceased employee is in employment in the police department but the applicant has stated that he is living seperately since the time of his father. The applicant in his application has stated that he is required to support his eldest brother Chandra Prakash, two younger brothers Ram Prakash and Om Prakash. It is strange to note that Hari Prakash who is in Government Employment has seperated himself from family during the life time of the deceased employee, though no evidence to this effect is produced and at the same time, the applicant has stated that the eldest brother Chandra Prakash is dependent on him, as such, the assertions made by the applicant is not acceptable.

6. The purpose of providing compassionate appointment if the employee dies in harness, is providing immediate assistance to the family. The eldest son did not apply for any assistance or appointment on a Government Job, soon after the death of the deceased employee. The 2nd son was already in employment. Now the 3rd son viz the applicant who is educated upto intermediate has applied for the post which was held by the deceased employee at the time of his death. This clearly indicates that the circumstances of the

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family of the deceased employee ^{were²} ~~was~~ not indigent and distress and the application for compassionate appointment of the applicant was rightly rejected by the Circle Selection Committee recording the reasons for rejection of the same.

7. Thus, in view of the discussions made above, ⁹² ~~we~~ find no merit in the application and the application of the applicant is hereby dismissed. No order as to the Costs.



Member(J)

Dated: 25th October, 1993.