

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 20th day of March, 1996

Original Application No.520 of 1993

District : Mau

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Vinod Kumar Singh S/o Sri Lal Chand Singh  
R/o Village Baharipur  
Post-Dunraon, Distt-Mau.

(By Sri V.K. Srivastava, Advocate)

. . . . . Applicant

Versus

1. Union of India, through its  
Secretary Ministry of Post Telecommunication,  
New Delhi.
2. Chief Post Master General U.P., Lucknow.
3. Senior Superintendent Railway Mail Service  
(R.M.S.), E.Division, Gorakhpur.

(By Sri NB Singh, Advocate)

. . . . . Respondents

ORDER (ORAL)

By Hon'ble Mr. S. Das Gupta, A.M.

The relief prayed for in this OA is that the applicant be appointed on compassionate ground and quashing the order dated 16-12-1992 passed by respondent no.3 by which the applicant's representation for compassionate appointment was rejected.

2. The facts, <sup>averred</sup> ~~however~~, in the OA disclose that the applicant's father was retired from service on medical ground on 28-7-1990. Thereafter, the applicant and his father preferred several representations for the employment of the applicant on compassionate ground in terms of the instructions contained in Rule 38 of CCS (Pensions) Rules 1972 and also the Office Memo dated 7-4-1986 issued by the Department of Personnel and Training. It has been stated that as the applicant's father was only 51 years old

at the time of his retirement on medical ground, the son of the retiring employee was entitled to be appointed on compassionage ground in terms of the orders contained in the aforesaid rule and the Office Memo. However, the representation was rejected by the impugned order dated 16-12-1996. Hence, this application.


3. The respondents have filed a CA in which it has been stated that the applicant's father had initially made representation for appointment of Sri Santosh Kumar Singh, the brother of the applicant, but subsequently he submitted a representation for compassionate appointment of the present applicant on the ground that the present applicant is<sup>a</sup> submissive and dependable son whereas Sri Santosh Kumar Singh is disobedient and not dependable. This representation was considered and it was found that the applicant's father was in receipt of monthly pension @Rs.844+ dearness relief and also had received retiral benefits of Rs.35673/-. His financial condition was not unsatisfactory particularly in view of the fact that the retired Govt. servant did not have any heavy liability like marriageable daughters and also that he was in possession of agricultural land fetching an annual income of Rs.4200/-. The representation was stated to have been considered by the competent authority and rejected stating the grounds of rejection as given therein.

4. The applicant has not filed any RA. I heard learned counsel for both the parties and carefully perused the record.

5. It is now settled that the appointment on compassionate ground is an extraordinary provision which can be resorted to only when the sole bread-earner of the family dies or is medically boarded out

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leaving ~~behind~~ the family in a dire economic <sup>straet</sup> ~~state~~.  
 It is not that in all cases where a Government servant  
 dies in harness or retires on medical that ~~the~~ <sup>the</sup> sons/  
 wards of such Govt. servants are to be given compassionate  
 appointment. Such employment depends upon the financial  
 condition of the family. It is ~~the~~ <sup>a</sup> fact which the  
 competent authority <sup>is to ascertain</sup> required to verify whether the  
 financial condition of the family is such as <sup>to</sup> requires  
 immediate succour in the form of compassionate employment.  
 It is clear from the fact indicated in the counter  
 affidavit that such was not the condition of the family  
 and therefore, the competent authority came to the  
 conclusion that such assistance is not required in this  
 case. ~~As even~~ no rejoinder affidavit has been filed to  
 to rebut the contentions of the respondents, I find no  
 reason to interfere in the matter. The application,  
 therefore, lacks merit and is rejected accordingly.  
 There shall, however, be no order as to costs.

  
 Member (A)

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