

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1186 of 1994

Allahabad this the Eleventh day of November 1999

Hon'ble Mr. S. K. I. Naqvi, Member (J.)

1. Vinai Kumar Srivastava, son of Late Sri Lallan Prasad Srivastava, resident of village Chaiyabari Near Pandey School, District Basti.
2. Smt. Prabha Srivastava, widow of Late Sri Lallan Prasad Srivastava, resident of village Chaiya Bari near Pandey School, District Basti.

Applicants

By Advocate Shri R.P. Singh

Versus

1. Union of India through the Director General Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Uttar Pradesh Circle, Lucknow.
3. The Post Master General Gorakhpur Region, Gorakhpur (Uttar Pradesh).
4. The Superintendent of Post Offices, Basti.

Respondents

By Advocate Shri S.C. Tripathi.

*See margin.....pg. 2/-*

Q R D E R

By Hon'ble Mr. S.K.I. Naqvi, Member (J.)

As per applicant's case, Shri Lallan Prasad Srivastava died in harness on 17.2.1986 while posted as S.P.M., Basti Division, leaving behind his widow, 7 sons, 2 daughters. The two elder sons namely Sunil Kumar and Sudhir Kumar were already in employment, therefore, third son Manoj Kumar applied for appointment on compassionate ground but before his case was finally decided, he left for the place not known to the applicant and, therefore the fourth son Vinay Kumar Srivastava (applicant no.1) applied for appointment, as such, but the same has been refused vide impugned order dated 12.4.1994, which is annexure A-1 to the application. The applicant has sought for the relief to quash this impugned order and to direct the respondents to consider the applicant for appointment on compassionate ground.

2. In the counter-affidavit, the respondents have put up the case that the application of Manoj Kumar—the third son of the deceased was considered and rejected by the Selection Committee on 17.3.1988 and now the application of the fourth son Vinay Kumar Srivastava applicant has also been rejected after due consideration on the ground that the purpose of providing immediate assistance

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did not exist since the official expired 8 years back and the family cannot be stated to be in indigent circumstances. Source of family income have been mentioned to be the income of first and second sons namely Sunil Kumar and Sudhir Kumar who are employed in the State Bank of India and also that the applicant no. 2 - widow of the deceased is getting family pension regularly and also that after lapse of such a long time, it cannot be taken as immediate need of the family.

3. Anxiously considered the arguments perused placed from the either side and the record.

4. In Umesh Kumar Naqpal Vs. State of Haryana J.T. 1994(3) S.C. 525, the Hon'ble <sup>Alex</sup> Court has provided guide lines of appointment on compassionate ground in which it has been observed that mere death of an employee in harness does not entitle his dependent to <sup>the</sup> offer of job. Financial condition of the family must be taken into account. A job on compassionate ground cannot be offered as a matter of course irrespective of financial condition. It has also been observed in the recorded ruling\* for these very reasons, the compassionate employment cannot be granted after a lapse of reasonable time which must be specified under the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which <sup>he</sup> faces at the time of the death of the sole

bread winner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

5. In the present matter, it is not in dispute that the eldest son Shri Sunil Kumar Srivastava and next to him Shri Sudhir Kumar Srivastava are <sup>undisputedly</sup> family members of the family of the deceased and are well placed in their jobs with State Bank of India and applicant no. 2 - ~~smt~~ Prabha Srivastava received family pension at the rate of Rs. 900/- plus DAR per month from 18.2.1986 to 17.2.93 and now she is getting family pension at the rate of Rs. 450+DAR per month and employment fought for Vinay Kumar Srivastava is after lapse of 8 years (at the time of filing of the U.A.) and, therefore, their claim for appointment on compassionate ground does no remain maintainable. The U.A. is dismissed accordingly. No order for costs.

*S. S. S. S. S.*

Member ( J )

/ M. M. /