

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1210 OF 2002  
ALLAHABAD THIS THE 15 DAY OF NOVEMBER, 2002

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Om Ji Verma  
aged about 26 years  
son of late S.N. Verma,  
resident of 824/700,  
Colonel Ganj,  
Allahabad.

..... Applicant

(By Advocate Shri Saumitra Singh)

**Versus**

1. Union of India  
through Secretary,  
Department of Posts,  
Darbar Bhawan,  
Parliament Street,  
New Delhi.
2. Chief Post Master General U.P. Circle,  
Hazratganj,  
Lucknow-226001.
3. Senior Superintendent of Post Offices,  
Railway Mail Service "A" Division,  
Allahabad. .... Respondents

(By Advocate Shri R.C. Joshi)

ORDER

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A. the applicant has challenged the order dated 09.07.2002 by which his request for compassionate appointment has been rejected. He has further sought a direction to the respondents to issue compassionate appointment as per his qualification.

2. By the impugned order on (page no.13 of the O.A) the respondents have informed the applicant that the family of deceased employee was not found to be <sup>in an</sup> ~~in~~ indigent conditions in comparison to cases which are recommended by the committee. They have further explained that family is getting pension of Rs.1650/- plus D.A per annum apart from getting Rs.1,39,115/- as terminal benefits. Moreover they have their own house

and no marriageable daughter is left as a liability and deceased had already completed more than 29 years of service.

3. The only contention raised by the applicant's counsel is that the reasons as assigned for rejecting the claim do not find place in the instructions issued by Government of India on the subject of compassionate appointment, therefore, according to him the impugned order is liable to be quashed.

4. I have heard the counsel and perused the pleadings as well. The facts as narrated by applicant are his father was working as a mailman in Railway mail service and had put in 29 years of service when he expired on 09.03.1999 in harness leaving behind his widow aged about 55 years and two sons aged 26 and 20 years respectively and left behind his unmarried sister also who was totally dependent on the family.

5. After the death of father he immediately applied for compassionate appointment on 31.03.1999. It is stated by him that he belongs to backward class and is enrolled with employment exchange. He is intermediate and has done certificate of diploma in computer and system management (Annexure A-8). It is submitted by applicant that even though the respondents have stated to have considered his case in accordance with certain circulars and letters but they have not been supplied to the applicant. Moreover compassionate appointment is required to give an additional help to the family after the death of earning member. He has further submitted that having a house and no marriageable daughter is absolutely of no relevance.

6. I have heard the counsel and perused the pleadings. The law on the question of compassionate appointment is well settled by now and does not require any long deliberations.



The Hon'ble Supreme Court has repeatedly held that compassionate appointment cannot be sought as a matter of right as it is to be granted only in exceptional circumstances where the condition of family of the deceased is so bad and the bread earner dies at a young age leaving behind his widow and ~~and~~ in a destitute condition with children without any source of income and they need immediate succur to tide away the crisis created by sudden death of the father the sole bread earner of the family.

7. Now to decide whether a family is an indigent condition or not there has to be some criteria and there can be nothing better than to see the liabilities and assets of the deceased and while deciding that, it is definitely important to note whether the family owns a house or agricultural land and whether there is any big liability left over by the deceased which needs to be attended to immediately. Also the size of the family and whether children are minor or major and at what age did the deceased die. These are definitely relevant considerations. In the instant case the respondents did consider the case of applicant and found that the family was not in an indigent condition. While deciding so, they have taken into consideration valid points. Pensions and retiral benefits were not the sole criteria but they were only one of the considerations. I don't find any illegality in the orders passed by respondents. The Hon'ble Supreme Court has clarified compassionate appointment can't be taken as a line of succession and if the family is not in an indigent condition, the son must compete with others in accordance with recruitment rules for gaining entry in Govt. service as compassionate appointment can't be made as an easy step <sup>to</sup> gain entry in Govt. service.

8. The applicant has stated he is qualified, so



he can always apply and compete with others whenever vacancies are notified.

9. In view of the above discussions, I find the O.A to be devoid of merits. The same is accordingly rejected with no order as to costs.



Member-J

/Neelam/