

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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Original Application No. 137 of 2002.

this the 31st day of January 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Vimlesh Kumar Srivastava, S/o late Lalit Kishore Srivastava,  
R/o Village Katwara (Rajapur), District Chitrakoot.

Applicant.

By Advocate : Sri R.P. Yadav.

Versus.

1. Union of India through its Secretary, Ministry of Communication, Department of posts, New Delhi.
2. Chief Post Master General, Lucknow.
3. Additional Supdt. Post Offices, District Banda.

Respondents.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi.

ORDER (ORAL)

By this O.A., the applicant has challenged the order dated 6.10.2000 (page 11) whereby his request for compassionate appointment was rejected. He has further sought a direction to the respondents to appoint the applicant on the post of postman in place of his father under dying in harness rules.

2. The brief facts, as submitted by the applicant, are that his father had died on 14.11.1999 while in harness. Thereafter, he gave an application for grant of compassionate appointment followed by reminders, but no heed was paid by the respondents, so he approached M.P., Lok Sabha, Sri Ram Sajivan, who had written a letter on 17.3.2001 to consider the applicant in place of his father, who was working as postman on humanitarian ground. Ignoring that letter, the respondents have rejected the claim of the applicant on the ground that the deceased <sup>died leaving behind</sup> consisting of his widow and three

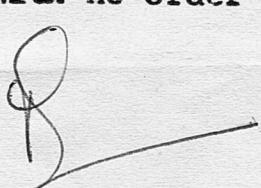
major sons. Since there is no minor son or daughter to be brought up, educated and married and the first son is employed on a monthly salary of Rs.2650/- per month, family's annual income from the landed property is Rs.50000/- besides getting huge terminal benefits, therefore, taking all the facts and relevant consideration, the High Power Committee has rejected the claim of the applicant on the ground that the family is not <sup>B is R</sup> an indigent condition or any financial crisis. The applicant has submitted that yearly annual income as per certificate dated 2.9.2001 is only Rs.11000/- (Annexure A-5) as certified by Tehsildar, Mau and within the limited income of Rs.11000/- the family consisting of seven members cannot meet the expences, therefore, he may be granted the relief as prayed for by him.

3. I have heard the learned counsel and perused the pleadings as well.

4. The only dispute made by the applicant in this case is with regard to annual income. The applicant has stated that he has been getting Rs.11000/- and not Rs.50000/- from the landed property. Otherwise, the applicant has not disputed any of the grounds taken by the authorities in the impugned order. The law on the question of compassionate appointment is well settled <sup>by now</sup> and the Hon'ble Supreme Court has repeatedly held that compassionate appointment cannot be sought as a matter of right, nor can it be assigned as a line of succession. Infact, it can only be granted in <sup>B is R</sup> exceptional cases, where after the death of the employee, the family is in such a distressed condition financially, that family cannot survive without immediate assistance from the department to tide-over the crisis caused by the sudden death of sole bread earner of the family. It was also held that the Tribunal cannot give any direction to the respondents to appoint any person on compassionate grounds as these are the matters which are to be decided by the

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authorities taking into account various factors namely the size of family, liabilities left behind by the deceased employee, assets and also the source of income, if any, or whether the dependents have any movable/immovable properties for living or they are in total destitute condition. In the instant case, it is seen that the respondents have already considered the case of the applicant and reasons given by them are that the deceased employee had left behind him three major sons, out of whom one was already employed, family was getting annual income of Rs.50000/- from other sources (though this amount was disputed by the applicant) and there is no liability left by the deceased employee either to bring up the minor children or marry any daughters. I think these are the valid grounds taken by the respondents to reject the claim of the applicant. The Hon'ble Supreme Court has held in JT 1994 SC 73 that if one heir is already in employment, compassionate appointment cannot be provided to others. In the instant case simply because the applicant states that annual income was Rs.11000/- and not Rs.50000/- it cannot be a ground to interfere in the matter because even as per applicant's own averments, the family of deceased employee did have other source of income, even if it be Rs.11000/- per year, there was no unmarried daughter, all the sons are also major and one son is employed, therefore, I would agree with the respondents that the family cannot be said to be in an indigent condition. Accordingly, the O.A. being devoid of merits and is dismissed with no order as to costs.



MEMBER (J)

GIRISH/-