

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 31st day of March, 2003.

Original Application No. 1479 of 2002.

Hon'ble Mrs. Meera Chhibber, Member- J.

Krishna Kumar Mishra S/o Late Brij Mohan Mishra
R/o Om Nagar, Distt. Auraiya.

.....Applicant

Counsel for the applicant :- Sri R.B. Trivedi

V E R S U S

1. Union of India through the Secretary,
M/o Communication, D/o Post, New Delhi.
2. Superintendent of Post Office,
Etawah Division, Etawah.
3. Chief Post Master General,
U.P. Circle, Lucknow.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R (Oral)

By this O.A applicant has challenged the order dated 11.07.2002 (annexure A- 7) whereby the case for compassionate appointment has been rejected on the ground that his name could not be approved within the limited number of vacancies of 5% quota by direct recruitment as the family is getting pension at the rate of 3400+DA per month, the family has own house, there is 2.98 Acares Agricultural land, the Ex-official completed more than 34 years of service and ^{have been} granted terminal benefit to the tune of Rs. 3,82,027/-, therefore, it is not a fit case.

2. Sri R.B. Trivedi, counsel for the applicant submitted that during the service his father had fallen ill and since he was suffering from Cancer, the family had spent a lot of



money including the money which was received from selling of jewellery for treatment of his father. Therefore, after his death the family of the deceased employee was in total indigent condition ^{as such} ~~and the~~ respondents ought to have given compassionate appointment to the applicant as the ^{family was on} verge of stravation.

3. I have heard the applicant's counsel and perused the pleadings as well.

4. In the entire O.A applicant has not disputed the fact that the family has ^{own} house and also 2.98 Acre Agricultural land. The only contention raised by the applicant is that the amount which the family received had been spent in the treatment of deceased employee who was suffering from Cancer. It is sad that he was suffering from Cancer but the fact ^{is} remains that even ^{when} ~~though~~ the employee dies due to Cancer his son or daughter cannot claim compassionate appointment as a matter of right because that will depend on the financial condition of the family, the liabilities left by the deceased employee and ^{above} ~~over~~ all this, financial condition ^{is to be} ~~to see~~ whether the family members are in a position to survive or need immediate assistance from the department. In this case, the applicant's case for compassionate appointment was duly considered by the respondents and they have stated that the Circle Relaxation Committee has not approved the case of the applicant for compassionate appointment as it is not one of those families who are living in total indigent circumstance. The family might have spent a lot of money and sold the jewellery for treatment of the deceased employee but thereafter the family is getting pension of Rs. 3400+DA per month. They have also their own house to live and also have agricultural land which facts are not disputed. They have also been paid a good amount after the death of deceased employee. The deceased employee had left only the widow and two sons.



Therefore, it is seen that no major liabilities namely unmarried daughter or minor children for education have been left by the deceased employee.

5. Moreover, this application was filed for giving compassionate appointment to the younger son. When I asked the applicant's counsel why the prayer has been made for grant of compassionate appointment to the younger son he stated that the elder son is in private job and teaching in a small school and did not have qualification to apply for the Government job. Therefore, it is clear that the income comes from elder son also, therefore, the family has sufficient income. In my considered view the grounds given by the respondents for rejecting the claim of applicant are valid and no interference is called for by the court in this case.

6. Accordingly, the O.A is dismissed at the admission stage itself with no order as to costs.



Member- J.

/Anand/