

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ORIGINAL APPLICATION NO. 151/2002

ALLAHABAD, THIS THE 15TH DAY OF FEBRUARY, 2002

HON'BLE Mr. JUSTICE R.R.K. TRIVEDI .. VICE CHAIRMAN

Jitendra Kumar,  
S/o Sri Musafir Ram,  
R/o Village-Tejpur,  
Post Office-Tejpur,  
District-Ghazipur.

... Applicant

(By Advocate Shri Anant Vijai)

Versus

1. Union of India,  
through Secretary,  
Ministry of Communication,  
Department of Post,  
New Delhi.
2. The Chief Post Master General,  
U.P. Sub Division,  
Lucknow.
3. Assistant Director (Recruitment),  
Department of Post, U.P.  
Lucknow.
4. Superintendent of Post Office,  
Mirzapur Division, Mirzapur.
5. The Post Master,  
Mirzapur.

.. Respondents

(By Advocate Shri R.C. Joshi)

ORDER - (ORAL)

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman:

I have heard Shri Anant Vijay for applicant and  
Shri P.D. Tripathi counsel for the respondents.

2. By this O.A. under Section 19 of the A.T. Act, 1985,  
the applicant has challenged the order dated 28.11.2001  
by which his claim for appointment on compassionate  
ground has been rejected.
3. As clear from the order, Musafir Ram, Ex-Postman  
expired on 1.1.1992 after completion of 35 years and  
8 months of service in the department. The widow of the

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deceased employee raised a claim seeking appointment on compassionate ground which was considered by Circle Relaxation Committee and the claim was not found fit. The reason stated was that there are no liability left by Musafir Ram and there are sufficient means of livelihood from various sources ~~for~~ the family. Then O.A. No.889/96 was filed in this Tribunal which was disposed of by order dated 10.7.1998 with the direction to consider the applicant's application for appointment on compassionate grounds. The Circle Relaxation Committee reconsidered the claim and the applicant was not found fit for appointment on compassionate grounds on the ground that all the sons of the deceased are major. Ex-official had expired just before one year of superannuation, sufficient amount of Pension is being paid to the widow and the family have agricultural land and there are no indigent circumstances. The decision of the Committee was communicated on 9.9.1998. Then the applicant filed contempt petition in this Tribunal which was rejected on 3.9.1999.

4. Another O.A. No.261/1999 was filed and was decided on 27.7.2001. Again, a direction was given to reconsider the claim of the applicant. A representation was submitted ~~on~~ on 9.8.2001 and the report was made that two brothers are unemployed, one sister Kausalya Devi is also dependent on the family due to divorce from her husband and she has neither land for agriculture nor any house for residing. The S.P.O., Ghazipur, again then made enquiry and found that the applicant is doing a private job in a shop of motor parts and earning Rs.1000/- per month from this job.

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He also admitted that Rs.1000/- are being earned by his both brothers separately from Mazdoori per month. He has also admitted that his divorced sister was re-married in Ballia district and now living with her husband. As per revenue records, the family has agricultural land of 0.044 acres. The widow was also drawing total family pension of Rs.1924/- per month from the Department - subject to increase of DA from time to time. The family has a partially constructed house from brick ~~for~~ residence in his village. Thus, ~~all~~ <sup>the</sup> ~~report~~ <sup>was cashed</sup>, which was submitted, was found false. The claim of the applicant was rejected.

5. In view of the aforesaid facts, in my opinion, the ~~view~~ <sup>view</sup> ~~order~~ <sup>taken</sup> is perfectly in order. The applicant has filed this application for compassionate appointment after more than 10 years of the death of the employee.

6. The learned counsel for the applicant, however, placed reliance on the judgment of Division Bench of Hon'ble High Court in the case of State Bank of India & Ors. Vs. Ram Pyare & Ors. 2001(2) UPLBEC 1597. In the aforesaid judgment the Hon'ble High Court found that the refusal of appointment on compassionate grounds on the basis of the family pension was not justified. In the present case, as already indicated above, there are a number of grounds on which the appointment on compassionate ground has been refused.

7. In the circumstances, the judgment is clearly distinguishable and it does not help the applicant. Accordingly the O.A. is dismissed. No costs.

  
VICE CHAIRMAN.

psp.