

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 46 of 2002 (U)

ALLAHABAD THIS THE 4th DAY OF April, 2007.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Madho Singh s/o late Mohan Singh, Village Bungli (Kula), P.O. Bungli
(Gangolihat), District Pithoragarh.

.....Petitioner

(By Advocates: Sri A.K. Dave/Sri R. Agrahari)

Versus.

1. Union of India through Secretary (Post), Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. Superintendent of Post Pithoragarh, District Pithoragarh.
3. Chief Post Master General at Dehradun, Uttaranchal Circle at Dehradun.

.....Respondents

(By Advocate : Sri Saumitra Singh)

ORDER

The applicant is challenging the order dated 11.9.2001 (Annexure 1) by which his request for compassionate appointment has been rejected.

2. His case, in brief is that his father ^{Shri} late Mohan Singh was a permanent employee in the department of respondents and he died on 14.2.1986, while still in service. At that time, he was hardly 5 years of age. He says that his mother was assured that his son would be given compassionate appointment on his attaining the age of majority. He attained the majority on 15.4.1999 and thereupon his mother Smt. Anandi Devi applied for his compassionate appointment. The matter



was processed but the result was not communicated to the applicant for quite some time. He, therefore, gave reminders dated 25.10.2000 and 23.5.2001 (Annexures 13 and 14). It was in September 2001 that he received a letter dated 11.9.2001 (Annexure 1) informing the applicant that respondent No.2 had rejected his claim for compassionate appointment vide order dated 6.9.2001. A perusal of letter reveals that the claim was rejected on the ground that the family had no responsibility, its condition was not financially bad and the case was 5 years old. He is challenging its rejection on a number of grounds. It is stated in para 4.15 that his mother is doing domestic work in the house of co-villagers and family has no source of income except ~~meagre~~^{meagre} amount of family pension and it is not known as to how respondents came to the conclusion that the economic condition of the family was sound. It is stated in para 4.17 that the Authority has stated about the financial condition of family without holding any enquiry. It is also said that the plea that case was 5 years was hopelessly untenable in the sense that soon after the applicant attained the majority, his mother ^{made request} for compassionate appointment and he could not apply earlier as the respondents had given assurance that his case ^{would} ~~should~~ be considered on attaining his majority.

3. The respondents have contested the claim of applicant by saying that the Circle Relaxation Committee considered the case of the applicant and others more than once in the year 2001, but his case was not found fit for such appointment for the reasons stated in the impugned order. It is stated in para 31 that the mother of the applicant was getting family pension at the rate of Rs.1275/- a month plus DA plus Rs. 100 as medical allowance and he has some agricultural land so the allegation that the rejection is arbitrary, is not wellfounded. Copy



of minutes of Circle Relaxation Committee held on 20.8.2001 (Annexure 1) have also been filed so as to show as to how the case of the applicant and other cases were dealt with how the recommendations were made.

4. I have heard Sri A.K. Dave, learned counsel for the applicant and Sri Saumitra Singh, learned counsel for the respondents.

5. Learned counsel for the applicant has contended that the ground that financial condition of family of the applicant was unserved, is totally illfounded in the sense that no material has been disclosed to say so. Learned counsel for the applicant says that there is no material on record to say that applicant owns or possess even one acre of agricultural land or the family has any source of income, other than the amount of family pension.

6. Learned counsel for the respondents has tried to say that the financial condition of the family of the applicant was assessed on the basis of material placed by him to the department.

7. I am of the view that the conclusion of the Committee that the contention of financial condition of the family of the applicant was not economically pitiable is not based on good material and nothing has been done to me that the family owns sufficient agricultural land or has any definite income, other than family pension. It is not a case that the family received any other terminal benefits. So the ground that financial condition of the family of the applicant was not unsound was not available to reject his claim. As regards the ground that his case is 5 years old, it is again not one, which may justify the rejection. It was a



case that the applicant was just 5 years of age on the date his father died. His mother was assured that the case of the applicant for compassionate appointment would be considered, after her son attained the age of majority. Soon after the applicant attained the majority, he gave an application for his appointment. I think the respondents should not have turned down the request on the ground that the case was 5 years old.

8. Although compassionate appointment cannot be claimed as a matter of right and is not a regular source of recruitment, as held by the Apex Court in various cases but since the respondents have issued guidelines for making such appointment in suitable cases, where the family of the deceased is not in a position to sustain itself and against the limited number of vacancy in a year, so the Courts or Tribunals cannot reject the claim merely on the ground that such appointment cannot be claimed as a matter of right. I have come to the conclusion that the respondents have not given cogent acceptable reasons for rejecting the claim of the applicant. So it seems appropriate to direct the respondents to re-consider the applicant's request in accordance with Rules.

11.9.2001 is quashed
9. The O.A is finally disposed of with a direction to the respondent NO.3 to ensure that the case of the applicant for compassionate appointment is reconsidered and result communicated to the applicant, within a period of six months from the date of certified copy of the order is produced before him. No order as to costs

[Signature]
04.4.07
VICE-CHAIRMAN

Manish//-