

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O.A. No. 615 of 2002.

Amit Kumar Dwivedi s/o Late Shiv Kumar Dwivedi r/o Bheetargaon,
P.O. Kherha Kursi, Bilhaur, District Kanpur Nagar.

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..... Applicant.

Counsel for applicant : Sri K.K. Tripathi.

Versus

1. Union of India, Ministry of Communication Department of Post,
New Delhi.
2. Chief Post Master General U.P. Circle, Lucknow.
3. Director, Postal Service Kanpur Region, Kanpur.
4. Chief Post Master Kanpur Head Office, Kanpur.
5. Superintendent of Post Office Kanpur (M), Kanpur.

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..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This applicant has been filed as the Applicant's father, who was working as Extra Departmental Branch Post Master, died on 18.6.2000. He was due for superannuation on 30.6.2000. The applicant claims appointment on compassionate grounds after the death of his father. The claim of the applicant was examined by obtaining further information from him. His case was forwarded by Respondent No.5 to Respondent No.2 and was placed before Circle Relaxation Committee, which rejected the claim of the applicant for compassionate appointment. The applicant has, thereafter, filed this application.

2. I have heard the arguments of Sri K.K. Tripathi for applicant and Sri G.R. Gupta, B.H. of Sri R.C. Joshi for respondents.

3. I find from order dated 19.4.02 that the Circle

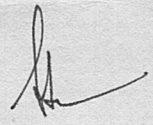


Relaxation Committee considered the case of the applicant and found that he was not in indigent circumstances because of the annual income of the other two sons. It was also stated that the father of applicant had completed his entire service barring last 12 days as he was due to superannuate on 30.6.2000. Therefore, the approval of the case of applicant for compassionate appointment is not granted.

4. Counsel for the applicant has contended that the mere fact that brothers of applicant were having some income does not disentitle him for compassionate appointment. What is important is the status of the applicant. If the status of the applicant is that of an indigent dependent, he is entitled to compassionate appointment.

5. The contention of counsel for the applicant is not tenable because compassionate appointment is granted by way of exception and is intended to help such families which are left indigent on account of loss of their bread winner. The applicant had attained the age of majority five years before the death of his father. If the father of the applicant had not died, the applicant would have only been a recipient of his terminal benefit of his father. There would not be much of difference in the retiral benefit merely because the person died less than 12 days before his superannuation. Therefore, the view taken by the Circle Relaxation Committee cannot be faulted. I find no merit in the O.A. which is dismissed.

No order as to costs.



A.M.

Asthana/
29.5.02