

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 12th day of November 2002.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O. A. No. 1031 of 2002.

Murlidhar S/O Late Daya Ram R/O Deewanpura, Rath, Tehsil Rath,
District Hamirpur..... Applicant.

Counsel for applicant : Sri Rajendra Narain.

Versus

1. Union of India through Chief Post Master General, Lucknow.
2. Post Master General, Kanpur.
3. Superintendent of Post Office, Banda.

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER

BY HON. MRS. MEERA CHHIBBER, J.M.

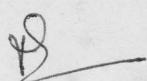
By this O.A., the applicant has challenged the order dated 12.8.02 by which his case for compassionate appointment has been rejected and has sought a direction to the respondents to appoint him on compassionate ground under dying-in-harness rule ~~to~~ 1973. It is submitted by the applicant that his father Late Sri Daya Ram Kushwaha was working as group 'D' employee with the respondents and died on 7.5.1999 while in service leaving behind his widow namely Brahma Rani and two sons namely Murlidhar and Suraj. Since he was qualified and adult son of the deceased employee, he applied ^{for} compassionate appointment through his mother. However, his case has been rejected by ~~the~~ impugned order. It is submitted by the applicant that the said order is bad in law as it is without application of mind and contrary to the evidence placed on record as they do not possess any agricultural land which is evident from the certificate given by the Tehsildar. It is submitted by the applicant that he is earning his livelihood by doing agricultural work. It is also submitted by the applicant's counsel that his case could not have been rejected on the ground that they are getting

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family pension of Rs.1720/= and have been given some amount after the death of the deceased employee as per the judgement given by the Hon'ble Supreme Court.

2. I have seen the petition carefully and find that there is no certificate annexed by the applicant even with this O.A. to suggest that they do not possess any agricultural land. On the contrary, the applicant has specifically stated in the O.A. that he is earning his livelihood by working with agricultural land. As far as his contention that the case could not have been rejected by taking into account the family pension etc., it is seen that the ~~only~~ criteria for rejecting the case on compassionate ground was not the payment of family pension and other amounts paid to the widow after the death of the deceased employee ^{above} but that was only one of the considerations. The perusal of impugned order shows that this case was considered by the Circle Relaxation Committee but his name was not approved by the said Committee as the family was not found to be in indigent circumstances in comparison to the cases which were recommended by the Committee for compassionate appointment. In fact, while deciding the case of the applicant, the respondents have taken into consideration the liabilities and assets of the deceased employee coupled with the fact that the family was getting family pension @ Rs.1720/= per month and terminal benefit to the tune of Rs.30,585/=. They have also specifically stated that the family possesses 0.142 hectare agricultural land and there is no marriageable daughter as liability left by the deceased employee.

3. The Hon'ble Supreme Court has repeatedly held that the compassionate appoint is not to be considered as a matter of right nor it could be made a line of succession and if the son of a deceased employee wants to get entry in the Government service, he must compete with the others in normal course as per the recruitment rules. Compassionate appointment is to be decided and granted only in those exceptional circumstances



where the family of the deceased employee is in an indigent condition and the liabilities of the deceased employee are so much, without having any other source of livelihood that they ^{it goes} need immediate help by the department. ~~Another case~~ without saying that ~~before~~ ^{for} deciding the indigent condition, there has to be some criteria laid down and nothing can be better than to see the assets and liabilities of the deceased employee. Moreover, the court cannot ~~not~~ give any direction to give appointment to any person. At best, they can only give ~~the~~ ^a direction to ^{the} respondents to consider the case of a person when they are fully satisfied that this is a deserving case. In the instant case, I find that the case has already been considered by the Circle Relaxation Committee, who have given valid reasons for rejecting the claim of the applicant. Though the applicant has made an averment that they do not own any agricultural land but no such certificate has been annexed with the O.A. Therefore, I do not think any case has been made out by him for interference by this Tribunal. The O.A. is accordingly rejected being devoid of merits with no order as to costs.



J.M.

Asthana/