

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 261 of 2003

Wednesday, this the 24th day of September, 2003.

Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Ashok Kumar Bharti,
aged about 30 years
son of Late Sri Kanhaiya Lal,
resident of Mohalla- Pettikala,
Post Ahraura,
District - Mirzapur.

....Applicant.

(By Advocate : Smt. Hemlata Singh)

Versus

1. Union of India,
through its Secretary,
Ministry of Communication (P&T)
Sansad Marg, Dak Bhawan,
New Delhi.
2. The Chief Post Master General,
U.P. Circle, Lucknow.
3. The Superintendent of Post Offices
Mirzapur Division, Mirzapur.

....Respondents.

(By Advocate : Shri P.D. Tripathi)

ORDER (ORAL)

By Hon'ble Maj. Gen. K.K. Srivastava, A.M. :

In this OA filed under Section 19 of A.T. Act, 1985,
the applicant has prayed for quashing the order dated
18.12.2002 rejecting the claim of the applicant for appointment
on compassionate grounds. The applicant has prayed for
further direction to the respondents to provide the compassionate
appointment to the applicant.

2. The facts of the case are that the applicant's father was employed as Postman in the respondent's establishment. The applicant's father died in harness on 7.12.1998. The applicant applied to respondent No.3 for appointment of the applicant on compassionate grounds. By impugned order dated 18.12.2002, respondent No.3 has intimated about the rejection of the case of the applicant for compassionate appointment. Aggrieved by the same the applicant has filed this OA, which has been contested by the respondents in filing counter.

3. Smt. Hemlata Singh, learned counsel for the applicant submitted that the applicant belongs to a Schedule Caste Community and after the death of his father the family is in financial distress. Learned counsel argued that the case of the applicant has been rejected on the ground of property and in-come by way of agricultural land, pension and payment of retiral benefits. She has placed reliance ^{on} of the judgement of the Hon'ble High Court in case of Dhiraj Kumar Dixit Vs. General Manager (Personnel), UCO Bank and others 2002(4) AWC 2970 and also on the judgement of Hon'ble Supreme Court in the case of Balbir Kaur & Another Vs. Steel Authority of India Ltd. & Ors. and Smt. T.K.Meenakshi & ors. Vs. Steel Authority of India Ltd. & ors. 2000(2) IBESR 503 (SC).

4. Heard counsel for the ^{parties} applicant, considered ^{the} their submissions and perused the records as well as pleadings.

5. This is a case of compassionate appointment, which has been rejected by the respondents. Learned counsel for

the applicant has placed reliance on two cases. In the case of Dhiraj Kumar Dixit (supra), the Hon'ble High Court, Allahabad quashed the impugned order and did not accept the plea of the respondents regarding income of the applicant. The Hon'ble High Court also directed the respondents to consider the representation of the petitioner and grant compassionate appointment. The Hon'ble Supreme Court in case of Balbir Kaur (supra) has held that by granting family benefits scheme, the respondents cannot take away the compassionate appointment. I have perused both judgments, The cases cited by the applicant's counsel are easily distinguishable and the case law laid down in both the cases will not be helpful to the applicant.

6. The Hon'ble Supreme Court has laid down that the cases for compassionate appointment have to be considered against 5% quota of the vacancies of the direct recruitment. Keeping in view the circumstances of the family of the deceased employee, in order to consider each case there exists Circle Relaxation Committee and all the cases for compassionate appointment are placed before the Circle Relaxation Committee which after going through each cases recommends the case for compassionate appointment or otherwise. In the impugned order, it has been clearly mentioned that the case of the applicant was considered in comparison to other cases. It has been observed in the impugned order that " the above case could not find place in the list of candidates approved for appointment on compassionate grounds within the limited number of vacancies under 5% quota of direct recruitment and the circumstances of the family of the ex-official. The family was also not found in indigent circumstances in comparison to the cases which were recommended for appointment of compassionate

grounds by CRC within the limited number of vacancies....."

The perusal of the impugned order leaves no doubt in our mind that the case of the applicant was not recommended because there were other deserving cases, therefore, I do not find any illegality in the impugned order. Since there is no good ground for interferenceⁱⁿ and also^{for} the case is devoid of merits and^{to the OA} is accordingly dismissed.

7. However, since the learned counsel has brought to Court's notice that the applicant is a Schedule Caste candidate and also that the family of the applicant is in indigent condition, it would be appropriate for the applicant to make a representation before Chief Post Master General for any other appointment as per rules. The Chief Post Master General i.e. respondent No.2 may consider the same and pass appropriate order. No costs.


Member-A

RKM/