

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 481 of 2003

Allahabad this the 6th day of May, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Premchand Chauhan S/o Late Sri Balkrishan Ram, aged 32 years R/o Village Harnshan (Parasia), P.O. Rasara, District Ballia.

Applicant.

By Advocate : Shri M.S.Chauhan.

Versus

1. Union of India through the Secretary of Communication, Deaprtment of Post, New Delhi.
2. The Chief Post Master General, state of U.P. Lucknow (Appointing Authority).
3. Superintendent of Post Offices, Ballia.

Respondents.

By Advocate : Shri G.R.Gupta

O R D E R (Oral)

By this O.A. applicant has challenged the order dated 02.04.03 whereby he has been informed that his case for grant of compassionate appointment had been placed before the C.R.C. on 08.01.98 but it was not acceded to on the ground that applicant has other income of Rs. 6000/- per annum with limited liability and family is not in indigent condition. This is second round of litigation. Earlier

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applicant had filed O.A. 1579/02, the same was disposed off by order dated 27.1.03 (Page 46) with a direction to respondents to reconsider the case of applicant and to pass the reasoned and a peaking order within a period of two months from the date of receipt of a copy of this order. In the present O.A., applicant's counsel against submitted that this order is also a non speaking order as it ~~is~~ does not speak about the claim as to how respondents have shown the other income of Rs. 6000 per annum and how family is considered to be not in indigent condition. Applicant's counsel also submitted that no opportunity of hearing was given to the applicant before passing the impugned order dated 02.04.03 and since applicant was eligible for being appointed, the impugned order is bad in law and is liable to be quashed and set aside and a direction be given to the respondents to appoint the applicant.

2. I have heard the counsel for the applicant and perused the pleadings as well. It would be relevant to quote the facts ~~as~~ stated by the applicant himself in his application given to the authorities which is annexed at page 21 of this O.A.

3. Admittedly when the applicant's father died on 06.02.96 he left behind only his widow, aged 55 years and his only son Sri Prem Chand Chauhan who was 25 years of age and was married which is apparent from page 24 of this O.A.

4. The applicant has himself stated that they have ^{burgher} ~~only~~ income of Rs. 6000/- and for this ~~same~~, they have also annexed the certificate issued by the Tehsildar, which is relevant from page 23. In column 2, applicant has also stated that they have ancestral house but it is in a bad condition and it requires to be reconstructed for which ~~is~~ enough money is not available with the applicant. Perusal of this application thus shows that as far as annual income is concerned, applicant had himself stated so in his application therefore, there is no requirement for respondents to give any other details to show as to on what basis or how he ^{is} said to have annual income of Rs. 6000

~~of this is~~
of Rs. 6000 because ~~is~~ an admitted fact. It is also an admitted fact that when the deceased employee died, he left behind only his widow and the only son i.e. applicant who was already married and was 25 years of age. In normal course a son of 25 years is expected to make his own arrangement ~~in~~ ^{for} his ~~own~~ family. As he was already married, ~~and~~ his family cannot be said to be liability of the deceased employee. Admittedly the applicant also has ancestral house and the applicant had also been given retiral benefits as well as the family pension every month. So in my considered view the respondents rightly came to the conclusion that the liability left by the deceased employee was very limited and in the given circumstance it could not be said to be a family who is living in indigent circumstances. The applicant's counsel has relied on 2002(3) UPLBEC Page 2807 but in view of the facts given in the present case that judgment will have no applicability in the present case.

5. The law on the question of compassionate appointment is already well-settled as Hon. Supreme Court has repeatedly held that compassionate appointment cannot be sought as a matter of right or as a line of ~~is~~ succession. On the other hand, it can be granted only in extreme case of hardship where the family is totally in indigent condition and is not in a condition to survive if the immediate assistance ~~is~~ not given by the department. It goes without saying that, if the applicant is educated and he thinks that he is ~~eligible~~ ^{eligible} for being appointed, he has to compete with others whenever the vacancies are advertised in accordance with law. ~~He can't be allowed to make death of his father as an easy step to gain entry in fourth year~~

6. In view of the above discussion, the O.A. is devoid of any merit and the same is accordingly dismissed with no order as to costs.


Member (J)