

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABD.

Allahabad this the 18th day of November, 2003.

Original Application No. 738 of 2003.

Hon'ble Mrs. Meera Chhibber, Member- J.

Hukum Singh S/o Late Sri Chhotey Lal
Vill. Kakraha, Post office- Jalalabad
Distt. Shahjahanpur.

.....Applicant

Counsel for the applicant :- Sri Anil Kumar

V E R S U S

1. Union of India through its Secretary, M/o Communication,
D/o Posts, New Delhi.
2. Union of India through the Chief Post Master General,
U.P. Circle, Lucknow.
3. Post Master General, Bareilly Region, Bareilly.
4. Superintendent of Post Offices, Shahjahanpur.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R

By this O.A filed under section 19 of Administrative
Tribunals Act, 1985, the applicant has sought the following
reliefs :-

1. That the Tribunal may graciously be pleased to set
aside the impugned order dated 10.07.2002 passed by
respondent No. 4 (Superintendent of Post Offices,
Shahjahanpur) (Annexure No. 8 to the O.A).
2. Issue a writ, order or direction to the respondent
No. 4 to appoint the applicant under the provisions
of Dying in Harness Rules or pass any other suitable
order or direction which may deem fit and proper.



2. By the impugned order applicant has been informed that he 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 on compassionate grounds by Circle Relaxation Committee within the limited number of vacancies. They have further explained that deceased employee has already completed 26 years of service and left no liability like marriage of daughter and education of minor children. The applicant has also own house and landed property. Therefore, it cannot be termed as indigent condition for giving compassionate appointment.

3. Applicant has submitted that his father died on 22.10.1999 as he was suffering from T.B. He left behind his wife, applicant aged about 44 years and two daughters aged about 35 years and 25 years.. His father was the only bread earner in the family, therefore, after his death there is no source of income except ^{little B} ~~few~~ agricultural land which is not much fertile in which hardly some foodgrains can be producted. He has thus submitted that his economic condition is very miserable. It has also been mentioned in the O.A that the applicant has already passed M.A in Economics.

4. I have heard the counsel for parties and perused the pleadings as well.

5. It is not disputed by the applicant that the applicant has own Agricultural land as well as house in village. It is also not disputed that the deceased employee had not left any un-married daughter or minor children as the applicant is admittedly 44 years of age.



6. The law on the point of compassionate appointment is well settled by now by Hon'ble Supreme Court, ^{they have to} and to assess the financial condition of the family, the important factors ~~are~~ ^{be} to ^{be} seen ^{as to what is} ~~that there are~~ ^{the} liabilities left by the deceased employee and the assets owned by the deceased employee and to see whether he had left ^{at} ~~in~~ such a young age, without any other source of income of the family members, that after his death the family needs to be given immediate assistance by the department.

7. In the instant case, simply because the applicant is M.A in Economics, it does not mean that he has to be given compassionate appointment after death of his father because the compassionate appointment cannot be sought as line of succession. If the applicant is well qualified, it is always open for him to complete ^{with others} ~~the open competition~~ for seeking government employment. Since the respondents have already considered the case of the applicant and I am ^{satisfied} ~~satisfy~~ by the reasons given by the respondents for rejecting the case of the applicant, I do not think the case calls for any interference. Accordingly, the O.A is dismissed at the admission stage itself with no order as to costs.



Member-J.

/Anand/