

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.819 of 2003

Wednesday, this the 7th day of January, 2004

Hon'ble Mrs. Meera Chhibber, J.M.

Jyoti Prakash Dubey,  
S/o Late Bindeshwari Dubey,  
R/o Village Akbarpur Post,  
Bilariyaganj, Azamgarh.

...Applicant.

(By Advocate : Shri J.P.Singh)

Versus

1. Union of India through its  
Secretary, m/o Communication  
Department of Post, Government  
of India, New Delhi.
2. Chief Post Master General U.P.  
Circle Lucknow.
3. Senior Superintendent of  
Post Offices Azamgarh  
Division Azamgarh.

...Respondents.

(By Advocate : Shri G.R.Gupta)

O R D E R

By this O.A., applicant has sought quashing of the impugned order dated 18.2.2003 and for a direction to the respondents to consider the claim of the applicant for grant of compassionate appointment.

2. It is submitted by the applicant that his father late Sri Bindeshwari Dubey, while working as postmaster in District Mau, died on 3.12.1999 leaving behind his widow two major sons and one un-married daughter. Since the entire family <sup>was left by</sup> in lurch, the mother of the applicant had given an application for appointing the applicant on compassionate grounds. Since the representation was not being considered, ~~the applicant was not~~ the applicant gave a representation to the CPMG, U.P. Circle, Lucknow stating therein that the family is facing acute financial crisis after the death of late Sri Bindeshwari Dubey, therefore, compassionate

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appointment may be given to the son. It was only thereafter that the impugned order was issued whereby the request of the applicant for grant of compassionate appointment was rejected.

3. It is submitted by the applicant that the respondents did not see the overall liabilities of the deceased employee and have rejected the claim of the applicant merely on the basis of terminal benefits, which is not sustainable in law. He has further submitted that the respondents had failed to take into account that both the sons are unemployed and <sup>there is</sup> one unmarried daughter <sup>also,</sup> so the amount of terminal benefits may not be sufficient even for the marriage of unmarried daughter. He has further submitted that ancestral house <sup>is</sup> in a native village and it has no commercial use. As far as agricultural land is concerned, the same is not sufficient for the full requirement of the family. Since his father was the sole earning member, therefore, it is a fit case where the compassionate appointment should have been given in favour of the applicant. He has, thus, filed the present O.A. seeking the relief as mentioned above.

4. Counsel for the respondents was seeking time to file reply. Otherwise, it was submitted that the present case falls for no interference because a detailed reasoned and speaking order has been passed after the case of the applicant was considered by the Circle Relaxation Committee who found that the applicant was not in indigent condition therefore, the case needs to be dismissed as nobody can claim compassionate appointment as a matter of right.

5. I have heard both the counsel and perused the pleadings as well.


6. It is not disputed by the applicant that the family owns a house and have also .83 acres <sup>agricultural</sup> land. The only point

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raised by the applicant is that the terminal benefits is not sufficient to survive and the house is in the native village. It goes without saying that compassionate appointment cannot be sought as a matter of right or a line of succession after the death of the father. The object of compassionate appointment is to give succour to those family members of the deceased employee who are in absolutely ~~the~~ indigent condition and are not able to survive without immediate assistance given by the department. The law is also well settled that the compassionate appointment cannot be given beyond 5% limited vacancies meant for compassionate appointment from the direct recruitment quota. So naturally, those persons are to be given compassionate appointment, whose cases fall within the 5% vacancies. In this case, the Circle Relaxation Committee has considered the case of the applicant and have found that the family of the deceased cannot be said to be in indigent condition. After all, a person can claim <sup>only</sup> a right for consideration, which had already been given to the applicant. It is also seen that both the sons of the deceased were major at the time of his father's death. Simply because they are unemployed, it does not mean that they have to be given compassionate appointment. If they are educated, they have to compete with others in normal routine matter for seeking employment in the Govt. The death of the father cannot be made as an easy step to get entry in the Government service.

7. In view of the above discussions, I do not find any merit in the O.A. The same is accordingly dismissed at admission stage itself with no order as to costs.

  
MEMBER (J)

GIRISH/