

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 880 OF 2003

ALLAHABAD, THIS THE 14th DAY OF NOVEMBER, 2003

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

Km. Hemlata Rana,
daughter of Late Nand Kishor Rana,
(Ex. Mail Overseer), resident of
Village-Kuwa Khera, Post-Morra Kishano,
District-Udham Singh Nagar,
At present resident of Head Post Office Colony,
Pilibhit.

.....Applicant

(By Advocate : P.N. Gangwar Absent)
Shri Ten Singh

V E R S U S

1. The Chief Post Master General,
U.P. Circle, Lucknow-22601.
2. The Senior Superintendent of post,
Head Post Office, Bareilly.
3. The Head Post Master General,
District-Bareilly.
4. The Head Post Master,
District Pilibhit.
5. The Union of India through Secretary,
Ministry of Communication, Department of Posts,
New Delhi.

.....Respondents

(By Advocate : Shri R. C. Joshi)

O R D E R

By this O.A. applicant has sought the following reliefs:-

"(i) Issue a writ order or direction in the nature of certiorari to quash the order dated 24.03.2003 (Annexure-I) passed by opposite party No.1.

(ii) Issue a writ order or direction in the nature of mandamus commanding and directing the opposite parties to appoint the applicant on the compassionate ground under the Dying-in-harness Rules on the post for which she is qualified.



- (iii) Issue a writ, order or direction in the nature of mandamus restraining the respondents/opposite parties not to dispossess the applicant from the house in which she is living with mother and 3 sisters.
- (iv) Issue any other writ order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
- (v) Award the cost of the Original Application in favour of the applicant."

2. By the order dated 24.03.2003 applicant was informed that ex-Mail Overseer expired on 26.06.2003 leaving behind his widow one employed son and three unmarried daughters. He has been paid the amount of Rs.2,377,98/- on account of terminal benefits. Out of which 47,776 was yet to be paid. They were also get family pension of Rs.2150/- plus D.A. and as per the report of the Tehsildar, Khatima the family has a house in village having value of Rs.2,00,000/-. It was thus held that family of ex-official is not found to be ⁱⁿ indigent circumstances. Moreover, there is no vacancy in P.A. cadre for consideration of the case of the applicant(Pg.17).

3. Applicant has submitted that her father Shri Nand Kishore Rana died during harness ^{on} 26.06.2000 where ^{after} her daughter applied for compassionate appointment with no objection certificate of the mother. She has already passed the High School Examination and Intermediate Examination in 1998 and B.A. in 2001. She has submitted that after the death of her father, there are 3 daughters and even though he left a son namely Ramesh Chandra Rana but he is living separately, so there is no mail member in the



family to support them, which is certified by the Village Pradhan also (Annexure-6). She has further submitted that mother of the applicant had advertised about the dissolution of the relations with Ramesh Chandra in daily Newspapers "AMAR UJALA" on 15.10.2001. Therefore, it is a fit case for grant of compassionate appointment but since she was not getting any response, she filed O.A. No.1297/2002, which was decided on 04.12.2002 by giving a direction to decide the applicant's representation within 2 months(Annexure-10). It is pursuant to this order, passed by this Tribunal, that respondents have rejected the claim of the applicant. It is submitted by the applicant that her case has been rejected arbitrarily, therefore, ^{may be} respondents ~~are~~ directed to appoint the applicant on compassionate grounds.

4. I have heard the applicant's counsel and perused the pleadings as well.

5. It is settled by now that courts cannot give direction to the respondents to appoint any person on compassionate grounds as this has to be considered by the department in comparison with the other cases to see the deserving candidates who can be recommended for grant of compassionate appointment. It is seen that applicant had approached this Tribunal earlier, in which a direction was given to the respondents to decide her representation within a period of 2 months from the date of receipt of a copy of the order. Therefore, after considering her case,

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the respondents have now rejected her claim by a reasoned order.

6. It is now well settled by the Hon'ble Supreme Court that compassionate appointment cannot be sought as a matter of right nor as a line of succession as it has to be granted in exceptional circumstances where the family is in total destitute condition after the death of sole bread earner of the family. To determine whether the family is in destitute condition, the respondents are to look at the various factors of all the candidates including the financial condition, the liability left by the deceased and the assets etc. They have also to see whether the family owns a house in their own name or have some other annual income from some other sources. In the instant ^{have their B} case, respondents have stated that applicant's own a house worth Rs.2,00,000/- and they are getting sufficient amount by way of family pension and terminal benefits to look after themselves. Once authorities have come to the conclusion that the family is not in a destitute condition on the basis of material available with them. I can not sit in appeal over the decisions taken by the circular relaxation committee nor can direct the respondents to appoint the applicant as there may be other cases before the authorities whose conditions may be worse than the applicant. Here atleast they have a roof on their head and have sufficient means to support themselves. Therefore, I do not think it calls for any interference by the Court. The O.A. is accordingly dismissed with no order as to costs.