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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 273 OF 2006

ALLAHABAD THIS THE 13th DAY OF DECEMBER 2006

HON'BLE MR. P.K. CHATTERJI, MEMBER-A

Arunodaya Kumar Tripathi, S/o late Sri Ram Kripal Tripathi, Village Kushaldiya, P.O. Urwa Bazar, District Gorakhpur

.....Applicant

(By Advocate Shri S.K. Rai)

V E R S U S

1. Union of India, through Secretary Ministry of Communication, Department of the Posts India Dak Bhawan, Sansad Marg, New Delhi.
2. Director General, Department of Posts India Dak Bhawan, Sansad Marg, New Delhi.
3. Chief PMG, U.P. circle, Lucknow.
4. Senior Superintendent of Post offices, Gorakhpur Division, Gorakhpur.

.....Respondents

(By Advocate: Sri S. Srivastava)

O R D E R

The applicant has sought compassionate appointment in this case. The applicant's father was employed as GDS MC/MD, Araon Jagdish Branch Post office under SSPO, Gorakhpur, died in harness on 1.11.2003. Thereafter ~~the~~ representation was made by the third son of the deceased namely Arunodaya Kumar

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Tripathi with 'No Objection' from other brothers and the widow. The case was considered by the Circle Relaxation Committee (in short CRC) in its meeting dated 26.8.2004 and it was not recommended for appointment on compassionate grounds for the reasons that the family of the deceased official was not found to be ⁱⁿ indigent circumstances, a copy of the impugned order is attached as Annexure No. 1 to the O.A.

2. The learned counsel for the applicant has pleaded that the respondents did not take into account the financial condition of the family sympathetically. He has cited several evidences to show that the family was living in difficult pecuniary circumstances. Firstly, he has annexed a copy of the Ration Card issued to the family against which it was impressed that the Card is meant for the family living below poverty line. He has also given the certificate issued by the Tehsildar concerned of the village, saying that the family income of the deceased is only Rs. 1200/- per month. It is also stated by the learned counsel for the applicant that none of the four sons left behind by the deceased is ⁱⁿ any kind of employment. As ^{such} ~~particular~~ of employment in the rural areas are very poor and they are constrained to eke out their ^{their} living from whatever earn through cultivation from small plot of land, ^{of} which the family is in possession. The learned counsel has emphasized that

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true facts of the family was never considered by the CRC, which ~~is~~ rather summarily rejected the case of the applicant.

3. The learned counsel for the respondents has denied the allegations. He has pointed out that all four sons of the deceased are major and they are in a position to earn living for themselves through some employment. He has referred to the relevant paras in the Reply submitted by the respondents in which it was stated that other four members of the family excepting the widow were earning Rs. 700/-, 1300/-, 700/-, 1200/- and 600/- per month respectively. More-over the family is in possession of plot of land measuring 0.255 hectare and they were residing in ^{a house of} four Kachcha rooms. For these reasons, the committee did not consider the family ~~was~~ in truly in difficult circumstances.

4. A question was asked by the Bench ~~from~~ the counsel for the respondents whether any of the four sons are employed in any job. The learned counsel could not give reply in the positive and he said that the income which are shown against the family members in para 6 of the Counter Affidavit ^{was} from the cultivation of the land in their possession, which have been specifically verified by the departmental officials through spot inspection. However, as to the question how the different income can be shown against different members of the family through

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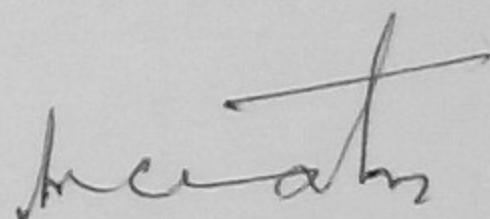
cultivation of the same plot, the learned counsel could not be explained satisfactorily. The learned counsel for the respondents has also stated that the CRC has to take into consideration many applications against very limited number of posts and, therefore, had to make a relative assessment of the financial position of the applicants on the basis of which the Committee has to take a reasonable decision. However, it was pointed out to him that in the case of GDS employees, there is one applicant against one post and the Committee, therefore, is not constrained to accommodate large number of candidates against same number of posts. It is one candidate against one post. Therefore, aspect of providing compassionate appointment in the case of GDS employees is somehow different from that of the departmental employees and this need not be linked and confused. If the Committee is of the view that the condition of the family is not sound enough and if the applicant is otherwise suitable and eligible for the post, then the Committee is not constrained by any other factors.

5. Having considered the matter this much and having applied my mind, I am of the considered view, that the question of indigence has been decided and concluded rather hastily without adequate application of mind. For these reasons, there is a need to consider the matter afresh in the light of the above observations. The impugned order dated

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24.12.2004 is hereby quashed. I, therefore, direct that the respondents will make a review of the matter by placing it before the CRC with the observations of this Tribunal as mentioned hereinabove for reconsidering the matter, taking a decision and making appropriate recommendations as deemed just and proper on the basis of the recommendations of CRC. The respondent no.3 i.e. Chief PMG, U.P. Circle, Lucknow, will issue a reasoned and speaking order within a period of four months from the date of receipt of copy of this order. It is further directed that if no one has been selected for the post of GDS, MD/MC Araon Jagdish Branch Post office, it should not be filled up until such time as the respondent no.3 issues a reasoned and speaking order.

6. The O.A. is allowed in the above terms with no order as to costs.



MEMBER-A

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