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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 16TH day of MARCH 2007

Original Application No. 927 of 2006

Hon'ble Mr. P.K. Chatterji, Member (A)

Ankur Bajpai, S/o late Sri S.N. Bajpai, R/o Village Bagdodhi, Post Office-Mandhana, Distt: Kanpur.

. . . .Applicant

By Adv: Sri V.K. Dwivedi

V E R S U S

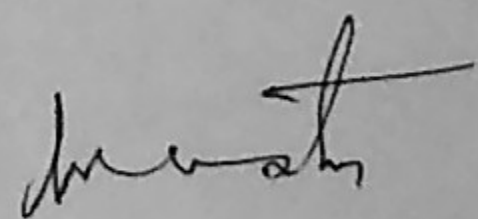
1. Union of India through Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Director General (Post), Dak Bhawan, New Delhi.
3. Chief Post Master General UP, Lucknow Circle, Lucknow.
4. Senior Superintendent, Post Offices, Kanpur City Division, Kanpur.

. . . .Respondents

By Adv: Sri S. Singh

O R D E R

The applicant approached the Tribunal for direction to the respondents for providing job on compassionate grounds. The father of the applicant, who was postal Assistant in the office of Senior Superintendent of Post Offices, Kanpur, died while in service on 23.07.2001 and an application for a job on compassionate ground was made in 21.08.2001. The applicant says that the respondents did not take any decision upon his case for about three years, although he made several requests for the same.



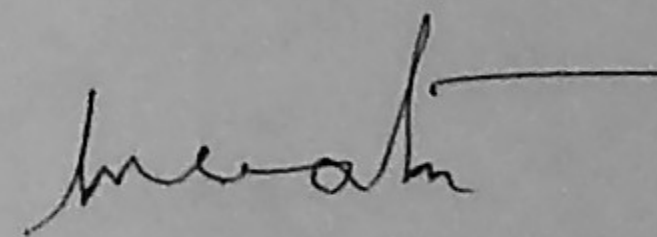
Finally they informed the applicant vide impugned letter which is as follows:

"In accordance with the instructions contained in CPMG Lucknow letter no. Regtt./M/5/26/2002/7 dated 6.5.2004 you are h/b informed that your case of appointment on compassionate ground was considered by Circle Relaxation Committee under the provision of DOPTOM No. 14014/6/95-Estt(I) dated 26.9.05., 14014/ /6/94. Estt (DA) dated 8.10.98 and 14014/23/00-Estt (D) dtd.3.12.99 and other instructions issued from time to time on the subject and was not recommended for appointment by the committee taking into account the liability of the family like education of minor children, marriage of daughters, responsibility of age parents, prolonged and major ailments of a member ability of dependable and secure shelter and financial condition and other relevant factors, after inter-se-consideration of all the cases and also keeping in view the prescribed ceiling for appointment on compassionate ground."

The applicant is aggrieved by this order and says that it is illegal, arbitrary and unjust and requested the Tribunal for quashing the same order.

2. The grounds on which the order has been impugned are as follows:

- i. "Because, the impugned order has been passed without giving any opportunity of hearing to the applicant or family member.
- ii. Because, the Circle Relaxation Committee rejected the claim of the applicant in a mechanical manner while the applicant is most deserving candidates for such appointment.
- iii. Because, there was document before the committee to show that the applicant belong to completely landless family.
- iv. Because, the Circle Relaxation Committee has taken decision in the hurried manner as it is evident from the perusal of the letter issued by the officer of the respondents that the matter was being considered by the Ministry of Communication, New Delhi.
- v. Because, it is worth mention here that the certain posts are reserved to be filled up by the recruitment made on the compassionate ground and the applicant's family deserve it better than other aspirants."

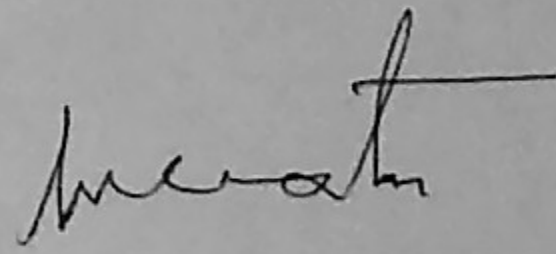


3. Regarding ground No. 1 the applicant was invited to produce any rule whereby an opportunity of hearing is to be given to the applicant before deciding his request for compassionate appointment. He could not cite any such ruling.

4. Regarding ground No. 2 that the Circle Relaxation Committee (CRC) decided the case in a mechanical manner and the applicant was most deserving candidate amongst all other candidates for compassionate appointment, the learned counsel for the applicant was asked that if he had any data to prove his point. However, he could not produce any such data to ~~prove~~ that he was financially the worst off amongst all other candidates. Therefore, his statement appears to be based on mere conjecture.

5. Regarding point No. 3 i.e. the fact that he belongs to completely landless family, no rule appears to exist that such family should be given preference over other regardless of the financial position. Learned counsel could not satisfy the Tribunal in this regard as well.

6. Regarding point No. 4 that the CRC decided the issue in hurried manner, he has stated that it would be evident from perusal of the letter issued by the respondents that his matter was being considered by the Ministry of Communication.

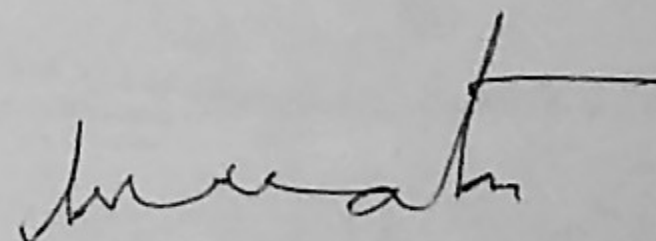


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However, it is not clear as to how these two things are linked.

7. Regarding point No. 5, it is ~~the~~ repetition of point made in ground No. 2 and, therefore, need not be repeated.

8. On balance it would be seen that the representation of the applicant was duly considered by the CRC empowered by the Government for compassionate appointment. The decision has been conveyed through the impugned letter ^{which} ~~it~~ clearly rationalized the decision taken by the CRC. It is unfortunate that the applicant could not be approved for compassionate appointment in view of the fact that too many applicants ^{were there} against a few vacancies. In such a situation the respondents are constrained to make some sort of evaluation of relative merits of the applicants. However, I am satisfied that no right of the applicant has been infringed upon. The OA is, therefore, not allowed and is accordingly dismissed. No cost.



Member (A)

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