

Appointement on  
Compassionate Ground (No.)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

(3)

O.A. No. 3/89  
FAIRNG.

**DATE OF DECISION** 15.01.1992

Smt. Laxmiben M. Katara **Petitioner**

Mr. V.M. Dhotre **Advocate for the Petitioner(s)**

**Versus**

Union of India & Ors. **Respondent**

Mr. P.M. Raval **Advocate for the Respondent(s)**

**CORAM :**

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? X

Smt. Laxmiben M.Katara,  
C/o.B.V.Pandar,  
Block No. 33/396,  
Gujarat Housing Board,  
Pragatinagar,  
Opposite S.T.Nagar,  
Kapadwanj Road,  
Nadiad - 387 001.

...Applicant.

(Advocate : Mr.V.M.Dhotre)  
Versus

1. The Union of India,  
(Notice to be served through  
The Secretary,  
Department of Post,  
New Delhi - 110 001.

2. The Post Master General,  
Gujarat Circle,  
Ahmedabad - 9.

3. The Sr.Superintendent,  
RMS - 'AM' Division,  
Ahmedabad -4.

...Respondents.

( Advocate : Mr.P.M.Raval )

O R A L - J U D G M E N T

O.A. 3 of '89

Date : 15-01-1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

Heard Mr.V.M.Dhotre, learned counsel for  
the applicant. None appears for the respondents.

2. This application is filed by the applicant  
who is the widow of one Shri M.L.Katara, who was  
serving as 'Sorting Assistant under RMS, Ahmedabad, and  
who died in harness on 9th January, 1983. The  
applicant made an application for appointment  
in the post of Group 'D', under the respondents  
on the compassionate ground. It is alleged by the  
applicant in the application that there is no other  
earning family member in the family who can maintain  
her and she has also to take care of her father-in-law  
who was quite aged. The applicant therefore, gave

an application on 1st March, 1988, for her appointment in Group-D. She has studied up to Standard IX. The respondent No.3, gave reply to the application of the applicant dated 21st March, 1988, rejecting her case of employment in relaxation of ~~xxx~~ normal recruitment rules, which is produced by the applicant at Annexure-A/1, on 16.5.1988. The death certificate of the deceased applicant is produced at Annexure-A.

3. The contention of the respondents as found in the reply, is that the family pension of the applicant is Rs.635/- p.m. upto 9th January, 1995, and Rs.375/- p.m. from 10th January, 1995, + relief 23% of the pension as per present rate. According to the respondents, the applicant at present receives family pension of Rs. 835/- p.m. and she has received also the total amount of retiral benefits on the death of her husband being Rs.53,000/-. It is, the case of the respondents that the applicant has no child to maintain and she has no liabilities and she cannot be said to be in indigent circumstances after the death of her husband and the principle on which such appointment is made has not been satisfied by the applicant and hence, her case of employment in relaxation of normal recruitment rules was rejected. The respondents have filed certain circulars on this point.

4. The applicant in his rejoinder has stated that the only factor which has weighed with the respondents is the financial position and no other factor. It is stated in the rejoinder by the applicant that apart from the financial position the contention of the individual and the other factors should be considered.

5. Learned advocate for the applicant submitted that as per Appendix-2, "Compassionate appointment of Son/daughters/near relatives of deceased Government servants/Government servant retired on medical ground." G.I. Department of Personnel and Training, O.M.No. 14014/6/86-Estt.(D), dated the 30th June, 1987, there is reservation up to 7½%, in the post of Group 'D', for the Scheduled Tribes, as per item no.(5), of that, O.M. The learned advocate has shown this Appendix-2, from the book, "Swamy's Pension Compilation, XIth edition, Page No.253 and 254. He submitted that the applicant belongs to Scheduled Tribe which is apparent from page no.32, of the proforma regarding employment of dependents of Government servants, which bears the signature of the applicant. He submitted that the respondents have not taken into consideration this factor. He submitted that the applicant is ready to serve as Group 'D' servant anywhere. He has attacked the impugned order-Annexure-A/1, passed by the respondent no.3, mainly on the ground that the respondent no.1, has not considered the fact that the applicant belongs to Scheduled Tribe and have also not considered the fact that apart from the financial position the applicant who is young aged 33 years at present, has to maintain

her father in law and has to pass the long life and these factors ought to have considered by the respondents which is not reflected in the impugned order annexed at Annexure-A/1. The respondents should take ~~into~~ into consideration this factor and then to decide the case of the applicant. If the applicant satisfies these conditions there is no reason why her application should be rejected. Hence I pass the following order :

"Application is partially allowed. The impugned order-Annexure-A/1, passed by the respondent no.2, is quashed. The respondent no.2, the Postmaster General, Ahmedabad-9, or the officer competent to decide the application of applicant, should after considering the directions given by me in this Judgment, to dispose of the case of the applicant on compassionate ground specially taking into consideration 7½% reserved posts for Scheduled Tribe, in Group 'D', post. The respondents to dispose of the case of this applicant about her appointment on compassionate ground within three months from the date of the receipt of this Judgment of this Tribunal. The application is disposed of. No order as to costs."

*R.C.Bhatt*  
( R.C.Bhatt )  
Judicial Member