

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No. 313 OF 1993.
TAX NO.

DATE OF DECISION 21-2-1994

Chetankumar Dhirajlal Raichura, Petitioner

Mr. K.C. Bhatt, Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent(s)

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble Mr.

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

Chetankumar Dhirajlal Raichura,
Ex. Postal Assistant,
Accounts, Junagadh Head Post
Office, Junagadh
Residence of Dwarkadhish Society,
Block No. 14,
Bada Bajrang Road,
Upleta(Saurashtra).

..... Applicant.

(Advocate: Mr. K.C. Bhatt)

Versus.

1. The Union of India through
The Director General,
Department of Posts,
Ministry of Communication,
Dak Bhavan, Sansad Marg,
New Delhi.

2. The Chief Postmaster General,
Gujarat Circle,
Ahmedabad.

3. The Postmaster General,
Rajkot Region,
Rajkot.

..... Respondents.

4. The Supdt. of Post Offices,
Junagadh Dn., Junagadh-362001.

(Advocate: Mr. Akil Kureshi)
ORAL ORDER

Q.A.No. 313 OF 1993

Date: 21-2-1994.

Per: Hon'ble Mr. V. Radhakrishnan, Admn. Member.

Heard Mr. K.C. Bhatt, learned advocate for
the applicant and Mr. Akil Kureshi, learned advocate
for the respondents.

2. The applicant is the son of late Shri
Raichura, Postal Assistant, in Junagadh Post Office,
who expired on 8-2-1976, leaving behind him wife, two
sons, one aged 3 years and six months and the other
one year and three months. At that time family pension
was sanctioned at the rate of Rs. 200/- per month and

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DCRG Rs. 3000/- and GPF Rs. 2605/- were paid. The widow did not apply for compassionate appointment for herself as according to the application, she had to look after the two young children. The applicant, son of the deceased employee had attained the age of 18 years in August, 1990 and in November 1990, he made an application for compassionate appointment to the Superintendent of Post Offices, Junagadh. He was asked to submit full particulars regarding his qualification and financial conditions of the family. The applicant complied with the direction. On 4.9.91 the Supdt. of Post Office, Junagadh informed the applicant of the decision of the Directorate General, P & T New Delhi saying that the application was rejected, in view of the fact that widow was getting family pension amounting to Rs. 538/- per month and secondly, there was no heavy liability for the family and thirdly, the purpose of providing immediate assistance did not exist in this case, since the official expired 15 years back. The applicant made a mercy appeal to the Director General, P & T New Delhi on 25.10.1991, but he has not received any reply so far. The respondents had decided the application on the ground mainly on account of that the employee died in 1976 and the application was submitted in 1990. The family pension



Rs.538/- per month drawn by the widow is enough to sustain the family. Mr. K.C. Bhatt, learned advocate for the applicant brought to notice the letter dated 12.2.1986, Annexure X-1, from the Department of Post, New Delhi, wherein it is stated that request for compassionate appointment which is made after a lapse of 20 years of death would not be entertained. In this case the employee died in February 1976 and the applicant had applied in November 1990 which is less than 20 years from the date of death. The applicant had attained the age of 18 years in August 1990 and immediately thereafter he applied in November 1990 for compassionate appointment. Mr. Bhatt also brought to notice that the monthly pension of Rs. 538/- is hardly sufficient to maintain the family of three persons. Incidentally, he pointed out that one of the children is handicapped being a polio patient and dependent on the applicant. Hence, he argued that the Department had not applied its mind and examined the applicant's request for compassionate appointment on merits.

3. The main contention of the respondents as stated by Mr. Akil Kureshi, learned advocate for the respondents is that no application was made immediately after the death of the deceased employee. The employee expired on 1976 and the widow did not apply for

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employment immediately thereafter. In this connection the applicant has stated that his mother did not apply for compassionate appointment as she had to look after her two young children. The applicant cannot ^{be} refused compassionate appointment because his mother had not applied for compassionate appointment immediately after the death of her husband. It cannot be presumed that as she did not apply for the same, her financial condition was sound. The application was made by the son of the deceased employee within about 3 months after attaining the age of 18 years. Moreover, the financial condition of the family of the deceased employee also appears to be quite indigent especially taking into account the fact that the brother of the applicant is suffering from polio. This appears to be a fit case for reconsideration by the Directorate General, P&T, New Delhi. Directorate General, New Delhi is hereby directed to consider this O.A as an application of the individual and reconsider the same sympathetically taking into account all the circumstances of the deceased employee's family and applicant for take decision on the representation of the /a suitable job in the Department if found eligible within a period of three months from the date of receipt of this order.

AGL

4. With the above directions, the application stands disposed of accordingly. No order as to costs.

Abd
(V. Radhakrishnan)
Member(A)

vtc.

Date	Office Report	ORDER
22.7.1994.		<p>M.A./370/94, allowed. Time extended upto 26.8.1994. M.A./370/94, stands disposed of.</p> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (K. Ramamoorthy) Member (A)</p> <p>ait.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 04/313/43 of 19

Transfer Application No. _____ Old W.Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 28/02/43

Countersigned :

~~AM Section 07-3th~~
Section Officer/Court officer

ccclal

Signature of the Dealing
Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT NEW DELHI
AHMEDABAD

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NAMES OF THE PARTIES..... MR. C. D. Rarchule

VERSUS
W. G. & D. E.

PART A B & C