

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 02.02.1999

O.A. No. 347/1997

1. Smt. Phooli Devi wife of late Chimna Ram Chouhan, aged about 42 years resident of village Netra, Via. Sumerpur, her husband late Chimna Ram Chouhan was last employed on the post of Postman at Sumerpur Post Office Teh. Bali, Distt. Pali (Raj.).
2. Ashok Kumar son of late Chimna Ram Chauhan, aged about 21 years, resident of village Netra, Via. Sumerpur, Teh. Bali, Distt. Pali. Applicants.

v e r s u s

1. The Union of India through Secretary to Govt. of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Pali Division, Pali-Marwar.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicants.

Mr. Rajesh Panwar, Adv., Brief holder for Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

BY THE COURT:

Applicants have filed this application with the prayer that the impugned order dated 10.12.96 (Annexure A/1) rejecting the claim of the applicant No. 2 for compassionate appointment on suitable post be declared illegal and be quashed and the respondents be directed to consider the candidature of the applicant No. 2 for compassionate appointment on merits and allow all consequential benefits.

2. Notice of the O.A. was given to the respondents who have



filed their reply in which it has been stated that the claim of the applicant was rejected after taking into consideration the vacancy position in the department and the long awaiting list of dependents of the deceased of the Government servants seeking employment on compassionate ground. It is further stated by the respondents that hardship of a candidate or of dependents does not entitle the applicant for compassionate appointment, therefore, the applicant is not entitled to any relief.

3. I have heard the learned counsel for the parties and gone through the pleadings and also the statements showing the details of candidates approved for recruitment in relaxation of rules for compassionate appointment on Group 'D' (test category) post and Group 'D' (non-test category) post. From the statement, it appears that in the first list of Group 'D' test category, 25 persons are wait-listed. Last candidate is Shri Omkarmal Kumawat, whose name was approved as far back as 10.11.94. Thereafter, no person seeking compassionate appointment has been enlisted for such employment. In the second list of Group 'D' non-test category, 16 persons are wait-listed and the last candidate was approved for enlistment on 10.11.94. Thereafter, no candidate seeking compassionate appointment has been enlisted or approved. Thus, informing the applicant that due to long waiting list his name cannot be incorporated seems to be factually correct. When large number of persons are seeking compassionate appointment on the basis of sad demise of the bread earner of the family then this is also important to be seen that no fruitless listing of candidates should be done. Mere enlistment of a candidate for compassionate appointment on approval basis is of no avail. Therefore, in my opinion, no purpose is served by merely enlisting a prospective candidate for compassionate appointment unless there are vacancies for appointment and opportunities for posting. Looking to the lists which have been shown today, I do not think that enlistment of the name of the applicant in the list or a direction for reconsideration for such enlistment for compassionate appointment would serve any purpose. No doubt, the deceased has left a widow and 6 children who were earlier dependents on him. But this factor alone is not sufficient for any direction as prayed for because many similarly situated persons are already enlisted in the aforementioned lists where the number of dependents are 8, 7 and 6 etc. From this list, it also appears that no discriminatory treatment has been given to the applicant. No candidate whatsoever has been approved for enlistment after 1994.

JW

Therefore, the rejection of the applicants' prayer for compassionate appointment in the year 1996 cannot be said to be discriminatory. The widow is in receipt of family pension to the tune of Rs. 1517/- plus D.P. which may go to mitigate the hardship to some extent. Hardship alone is not enough to pray for compassionate appointment.

4. The O.A., therefore, seems to be without any force and deserves to be rejected. The O.A. is accordingly rejected leaving the parties to bear their own costs.

A.K. Misra 27/2/99
(A.K. MISRA)
Judicial Member

cvr.

Received
Dreadh
9-2-99

Copy of order
Sent to Sh. Vinit Borthakur Adm
by Rep of ASW No 53
dt. 9-2-99

u
9/2/99 ~~Print it and it destroyed~~
in my presence on 27.6.99
under the supervision of
Section Officer () as per
order dated 26.5.99

Security Officer ()