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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date of Order : 18.05.2000

Original Application No. 256/1999

Dharmendar son of shri poonam chand retired LSG
Postal Assistant (PA) in superintendent of post
Office, Bikaner R/o Azad Nagar Rampura Basti
Lalgarh-Bikaner.

APPLICANT..

VERSUS

1. Union of India through Secretary Ministry of
Postal Services Dak-Tar-Bhawan, New Delhi.
2. Superintendent Post Office Rani Bazar, Bikaner
Rajasthan.
3. Post Master General Western Area, Jodhpur.
4. Chief Post-Master General, Rajasthan Circle,
Jaipur 302007.

RESPONDENTS..

Mr. Bharat Singh, counsel for the applicant.
Mr. K. S. Gill, Adv. brief holder for
Mr. Vineet Mathur, counsel for the respondents.

CORAM

Hon'ble Mr. A. K. Misra, Judicial Member.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

ORDER

(per Hon'ble Mr. A. K. Misra)

The applicant has filed this OA with the
prayer that the order dated 15.04.1999 (Annexure A-1)
passed by Chief Post Master General, Rajasthan Circle,
Jaipur denying the applicant, benefit of compassionate
appointment be declared illegal and be quashed and

the respondents be directed to provide compassionate appointment to the applicant without any further delay.

2. Notice of the OA was given to the respondents who have filed their reply, to which no rejoinder was filed by the applicant. It is stated by the respondents that, the case of the applicant was considered by the concerned authority. The applicant was not found entitled for compassionate appointment as per the guidelines, therefore, the case of the applicant was rejected. It was also stated by the respondents that compassionate appointment can only be given to a candidate provided there is vacancy meant for such compassionate appointment within the ceiling limit of 5% of direct recruit~~a~~ quota posts. Since, there is no such vacancy ~~is~~ available, therefore, the applicant is not entitled to any appointment.



3. We have heard the learned counsel for the parties and have gone through the case file.

4. It is stated by the applicant, that father of the applicant was retired on medical grounds. The father of the applicant was a patient of Paralysis and constant medical treatment is required. The applicant being unemployed and the pension of the applicant's father is not sufficient, therefore, it is difficult for the applicant to treat and maintain his father without financial assistance, therefore, the applicant should be directed to be appointed on compassionate ground.

5. We have consider this aspect, It appears from the reply of the respondents that the retired government official has 2 sons and both of them are married and maintaining their own family, applicant being one of them cannot claim appointment on compassionate ground. If he has his own family to lookafter, he cannot be said to be dependent on his ailing father. The father of the applicant was retired in the year 1995. The compassionate appointment is given to a candidate to tide over the financial problems, Immediately on either such retirement or death of a government servant, but it cannot ^{be} claim^{ed} as of Right and for securing employment. In the instant case, there is nothing on record to show that on retirement of the government servant the whole family was in financial trouble, therefore, the applicant cannot advance his case for compassionate appointment on the ground of his father having been retired on medical grounds. Supreme Court has also repeatedly held that the compassionate appointment cannot be claimed and provided as an alternative to regular employment. In view of this also the applicant cannot claim for compassionate appointment from the respondents.



6. From the averments of the respondents, it appears that 14 persons are already waiting to be appointed on compassionate ground on the Group-D post, therefore, ^{in our opinion} the applicant may not be able to get any compassionate appointment in the near future.

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In view of this, the applicant cannot be kept under lingering hope of employment, moreover by the time the applicant's turn may come for appointment after exhausting the list of 14 candidates. The applicant may not at all be in need of any employment. We do not ^{thus} see any useful purpose in directing the respondents to enlist the applicant for compassionate appointment in the list of already existing 14 candidates.

6. In our opinion, the OA has no merits and deserves to be dismissed and is hereby dismissed. Parties are left to bear their own costs.

(A.P. NAGRATH)
Admn. Member

18/1/2001
(A. K. MISRA)
Judl. Member