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Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Date of Order : 21.1.2003

Original Application No. 233/2001

Rajender Singh S/o Late Shri Jai Singh,
Ex. Postal Assistant, Post Office Marwar Mundwa,
Aged 23 years, Resident of & PO Oldan,
Tehsil Merta, District Nagaur.

Q.... Applicant.

Versus

1. Union of India through Secretary
Ministry of Communication,
Dept. of Post, Dak Bhawan,
New Delhi.
2. Chief Post Master General,
Postal Department,
Jaipur.
3. Superintendent of Post Offices,
Nagaur Division,
Nagaur.

..... Respondents.

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CORAM :

Honourable Mr. J.K. Kaushik
Judicial Member

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Mr. K. S. Chauhan, Advocate, for the applicant.
Mr. Kuldeep Mathur, Advocate, Brief holder for
Mr. Ravi Bhansali, Advocate, for the respondents.

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O R D E RBY THE COURT :

Shri Rajendra Singh, has assailed the Order dated 20th February, Annexure A/1, by which his candidature was considered for compassionate appointment on the post of Postal Assistant (PA) and the same has been rejected.

2. In this case, respondents have filed a reply and mainly contended that for want of vacancies on Group 'C' post, the case of applicant could not be covered within the available vacancies ear-marked for such appointments. Thereafter, it was submitted on behalf of the learned counsel for applicant that the case of the applicant may be considered for any post even in Group 'D' cadre. Considering this position, this Tribunal was pleased to order vide Order sheet dated 21st August, 2002 as under :-

"The applicant of this O.A. is the son of late Shri Jai Singh, who died in harness on 15.2.1997 while working on the post of Postal Assistant. The applicant sought appointment on compassionate grounds through an application submitted on his behalf by his mother Smt. Pushpa Devi. This has been rejected by the impugned order dated 20.2.2001 (Annex.A/1). This order has been challenged in this O.A.



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The respondents have denied the request of the applicant by giving various grounds including the one that such vacancies can be divided only to fill-up 5% of the vacancies falling in the recruitment quota and some persons are waiting for appointment since 1996.

Heard the learned counsel for the applicant Shri K.S. Chauhan, who submitted that if the applicant cannot be considered against a Group 'C' post, he could have been considered against a Group 'D' post as the family has been deprived of an earning member and their financial condition is indigent.

In order to appreciate this position in correct perspective, it is necessary to examine whether, the applicant could have been accommodated against a Group 'D' post/vacancies. The learned counsel for the respondents is directed to have this aspect of the matter critically analysed and place before the Tribunal, the position in respect of vacancies which might have arisen in Group 'D' in the department in the year 1998, 1999, 2000 and 2001, number of persons appointed on compassionate grounds and number of persons kept in the wait list. We would also like to know as to why the applicant cannot be considered for appointment on compassionate ground against a Group 'D' post."

Thereafter, the case has been listed on number of occasions and on one pretext or the other, it has not been found expedient for the respondents to make available the desired records. Today, the case was listed for admission. Both the learned counsel for the parties have agreed for disposing of the case on merits at the admission stage.



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3. The learned counsel for the applicant has submitted that in case, it has not been possible for the respondent-department to consider the case of the applicant against a Group 'C' post, his case may be considered on compassionate ground on a Group 'D' post which are said to be available with the respondents. The learned counsel for respondents has submitted that if the posts are available in Group 'D' cadre, ~~xxx~~ the respondents would have no serious objection in considering the case of applicant on compassionate grounds, if this Tribunal so directs.

4. In view of the aforesaid, the ends of justice would be met if an appropriate direction is given to the respondents in the matter and the case of applicant is considered on merits for appointment on compassionate grounds against any available Group 'D' post. In this view of the matter, I pass the order as under :

"The Original Application is partly allowed and the Respondents are directed to re-consider the case of the applicant afresh for appointment on compassionate grounds against any Group 'D' post as per the Rules and the Instructions in vogue."

5. The Original Application stands disposed of accordingly with no order as to cost.

J. K. Kaushik
(J. K. Kaushik)
Judicial Member

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