

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

O.A. NO. 306/2001

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Date of Order : 2.11.2001

Balwant Singh S/o Late Shri Aad Ram by caste Jat Ex. EDBPM, Aged 26 years, resident of Kuldiya village & Post,, Malkheda Via Chhani Badi, Tehsil Bhadra, District, Hanumangarh.

... APPLICANT.

versus

1. Union of India through the Secretary, Ministry of Communication, Dak Bhawan, Postal Department, New Delhi.
2. The Superintendent, Post Office, Sri Ganganagar Division, Sri Ganganagar.

... RESPONDENTS.

Mr. R. S. Saluja, counsel for the Applicant.

By the Court

(per Hon'ble Mr. A. P. Nagrath)


The applicant's father late Shri Aad Ram was posted as EDBPM, Malkheda via Chhani Badi, and he expired while in service on 10.03.2001. After his death, the applicant submitted an application on 10.04.2001 for appointment on compassionate grounds and a copy of this application is filed at Annexure A-2. Request of the applicant has been rejected by respondent No.2 vide order at Annexure A-1. Applicant has challenged this order on the ground that this does not disclose any reason for rejecting his request for appointment and that he has a right to be appointed.

2. Applicant has stated in the OA that he had furnished the



requisite information and the departmental Rules provide for appointment on compassionate grounds. His request has been rejected and no reasons have been assigned for rejecting his request. The department has gone ahead and advertised the said post of EDBPM by notification dated, 08.08.2001, wherein this post has been shown to be reserved for Scheduled Tribe Category. The applicant termed the action of the respondents as illegal in as much as the post on which his father was working was a post belonging to general category and there is no reason for the same to be declared as reserved for Scheduled Tribe.

3. I have heard the learned counsel for the applicant on admission. Learned counsel has also produced the departmental rules governing appointment on compassionate grounds. As per these Rules contained in Section X of Swamy's compilation of Services Rules for postal ED Staff, it has been stated that for dealing with the compassionate appointment cases, in respect of dependents/near relatives of deceased ED Agents, this department has mutadis mutandis been following the guidelines contained in OM No. 148114/6/86 dated 30th of June 1986 of the Ministry of Personnel, Public Grievances and Pension.

4. I have perused the Rule position as also the documents brought on record. Learned counsel has mentioned that the applicant's elder brother has given no objection if the applicant is appointed on compassionate grounds and that the applicant is the



youngest son in the family.

5. There is no doubt in this case that the order rejecting the request of the applicant is a cryptic order and does not disclose any reason for rejecting the request of the applicant on this ground itself, this order is not sustainable.

6. Further to consider whether the applicant has been able to make out a *prima facie* case in his favour, I have perused the documents brought on record and the application made by the applicant himself. Apart from stating that his mother is 62 years of age and he has three sisters, according to him he is responsible for the entire burden of looking after the household. He has also mentioned that he is a father of 2 sons.

7. It is apparent that the applicant has a family of his own i.e. his wife and 2 sons. Obviously, he has been considered to be capable of looking after his wife and raising children. In these circumstances, the applicant cannot be considered to be a dependent of the deceased and thus he cannot be entitled for consideration for appointment on compassionate grounds. The applicant has failed to makeout a *prima facie* case in his favour and in that view this application is liable to be rejected.

8. I, therefore, dismiss this OA in limine.

Ans 2/11/2001
(A.P. NAGRAJTH)
Adm. Member

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Dinner set to R 1
X to 400
align in copy & off R 52
R 2
05.11.2001
copy & off R 52
R 84

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R 52
R 84
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