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**Central Administrative Tribunal
Jodhpur Bench, Jodhpur**

**Original Application No. 214/2003
Jodhpur this the 14th day of October, 2004.**

Hon'ble Mr. G.R. Patwardhan, Administrative Member

Mukesh Kumar Mishra s/o Shri Narain Prasad Mishra
Aged about 23 years R/o Dana Road, Ratangarh, Distt. Churu.

.....Applicant.
[By Mr. Y.K. Sharma, Advocate for applicant]

Versus

1. Union of India through Secretary,
Post and Telegraph, Dak Bhawan,
New Delhi
2. Chief Post Master General,
Rajasthan Circle, Jaipur.
3. Superintendent (RMS), Western Region.
S.R.M.S.T. Division,
Railway Mail Service, Jodhpur.

.....Respondents.

[By Mr. Vineet Mathur, Advocate, for respondents]

**ORDER
[BY THE COURT]**

This is an application by Mukesh Kumar Mishra against the Union of India through the Secretary, Department of Post, Chief Post Master General, Rajasthan Circle, Jaipur and the Superintendent (RMS), Western Region, Jodhpur. What is under challenge is an order dated 21.3.2003 passed by the respondent No. 2, a copy of which is placed at Annex. A/1. This communication from the respondent No. 3 to the applicant relates to his application for appointment on compassionate ground and informs him that a Circle Selection Committee considered the matter on 21.1.2003 and came to the conclusion that in view of

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the educational qualifications of the applicant, the monetary benefits have been extended to the family of the deceased father and the assets with the family possessed that the condition of the family could not be categorized as indigent and therefore, it was unable to accept the request for appointment.

2. This communication has been challenged on the following grounds :-

(a) That the word 'indigent' has not been defined in the DOP&T Circulars and it is not clear how the respondents have come to the conclusion that the family is not in indigent condition.

(b) This communication accepts that the applicant was eligible and, therefore, they have to provide him employment.

3. A detailed reply has been filed which reveals that :-

(a) The matter was examined in the light of instructions contained in the different DOP&T Circulars.

(b) Appointment on compassionate ground can be made only to the extent of 5% of the vacancies falling under direct recruitment quota.

(c) There was no vacancy in the cadre of Postman/Male Guard and the case of the applicant was considered for a group 'D' post.

(d) There was only one vacancy in group 'D' and 28 candidates were empanelled for the purpose out of which one who was considered most indigent and suitable was granted appointment on such post after comparison made by the Circle Selection Committee.

4. The applicant has not challenged the criteria that has been followed nor has specifically stated that his case could have been

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considered within the limitation of 5% of direct recruitment quota. From the pleadings, it appears that the case has been considered by the respondents as per the Guidelines and if that leads to the conclusion that appointment could not be given then, it cannot be faulted. In the result, the application fails and is accordingly dismissed with no order as to costs.

DR.
[G.R.Patwardhan]
Administrative Member

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D.

Part II and III destroyed
in my presence on 30.10.13
under the supervision of
Section Officer (1) as per
order dated 18.10.13
S.K. Srinivasan
30.10.2013
Section Officer (Records)