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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 126/2003
Date of Decision : this the 27 th day of August, 2004.

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

Tulchha Ram S/o Shri Dhula Ram
Ex. EDMC and Surewala Village
(Extra Department Master), Tibi
District Hanumangarh.

.....Applicant.

[By Mr. D.K.Chouhan, Advocate, for applicant]

Versus

1. The Union of India
through the Secretary,
Ministry of Communication,
Department of Post, Dak Bhawan,
New Delhi.
2. Superintendent of Post Offices,
Sriganganagar.

.....Respondents.

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



Order

[By the Court]

This is an application by Tulchha Ram S/o Shri Dhula Ram, Ex. EDMC, under Department of Posts, who died in service, against the Union of India through the Secretary, Department of Post and Superintendent of Post Offices, Sri Ganganagar.

2. What is under challenge is an order dated 4.2.2003 placed at Annex.A/10 whereby, the case of the applicant for appointment on compassionate ground was rejected by the Circle Selection Committee on the ground that after the death of applicant's father Rs. 58,000/- was paid as terminal benefits and that the annual income of the family from other sources was Rs.

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12,000/- per annum which did not qualify him to be considered for appointment.

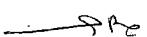
3. The prayer of applicant as revealed by paragraph 8 is for quashing the order dated 4.2.2003 (Annex.A/10) and a direction to the respondents to give appointment as EDMC or to enter his name in the waiting register.

4. Detailed reply has been filed and original records of the case have also been submitted by the official respondents.

5. The learned counsels for both the parties have been heard.

6. Original record discloses that a Circle Relaxation Committee of the respondents' considered the case on 21.7.2003 and the three members present – considered the matter in response to directions of this Tribunal passed in OA No. 324/2001 on 31.10.2002. They came to the conclusion that terminal benefits received , annual income of Rs. 12,000/- and the fact that the deceased was already 58 years of age – only 7 years short of his superannuation, and had already settled three daughters through marriage, proved that the plea of the applicant that the family is in indigent condition and so it requires appointment of the applicant on compassionate ground is not convincing.

7. Compassion, degree of penury and social customs justifying a particular level of living standard, perhaps are not open to any objective assessment. Attempting to do so will only mean substituting Tribunal's opinion for that of the three member committee – who not only belong to the department that the deceased was serving – but are also better placed to take a comparative view of things. To presume that they are prejudiced would also not be proper per se. Nothing has been shown to think that their decision is perverse.




8. In the circumstances, the application is dismissed as without merit. No order as to costs.

GR
[G.R. Patwardhan]
Administrative Member]

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