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CENTRAL ADMINISTRATIVE TRIBUNAL**JODHPUR BENCH.**

O.A.No.127/2003

January 18, 2005.

CORAM : **HON'BLE MR.M.K.MISRA, MEMBER (ADM.)**

Harish Kumar Ojha S/o Late Shri Sushil Kumarji Ojha, Aged about 23 years, Resident of Village & Post Tara Nagar, District Churu (Rajasthan).

Applicant

By : Mr.B.D.Sharma, Advocate for Mr.Arjun Purohit, Advocate.

Versus

1. Union of India through Director General, Post Deptt., C.G.O. Complex, Lodhi Road, New Delhi.
2. The Chief Post Master General, Jaipur.
3. The Post Master General, Post Office, Near U.I.,T.Circle, Jodhpur.
4. Superintendent of Post Office, Churu Division, Churu.

By: Mr. M. Godara, Advocate for Mr. Vinit Mathur, Advocate.

Respondents

ORDER**M.K.MISRA,AM**

Shri Sushil Kumarji Ojha, Postman in the office of Superintendent of Post Office, Churu Division, Churu, father of the applicant died in harness 19.2.1996 leaving behind Smt.Vimla Ojha, widow, Harish Kumar Ojha, son (applicant); Kumari Usha Ojha & Nirmla Ojha, Daughters and Tej Bahadur Ojha (son). The applicant was only 17 years of age in 1996. On becoming major, he applied for compassionate appointment in 1999. He passed the Matriculation Examination in 2001 (Annexure A-2). The applicant submitted another application for



appointment on compassionate grounds on 3.12.2001 (Annexure A-3). However, he was informed by order dated 8.4.2003 (Annexure A-4) that his case has been rejected by the Circle Selection Committee. Aggrieved against the same, the present Original Application has been filed by applicant with a prayer to quash the order dated 8.4.2003 (Annexure A-4) with direction to the respondents to consider his case for appointment on compassionate grounds as a Postman. The grounds to challenge the impugned order are that father of the applicant was alone breadwinner of the family and the entire family is facing great financial hardship as no other member in the family is in employment. The Scheme has been framed by the Government of India with a view to give immediate relief to the family of the deceased employee. The action of the respondents is as a result of non-application of mind and the applicant has not been given any opportunity of hearing before rejection of his case. He has not been intimated the detailed reasons for rejection of his case.



2. The respondents have filed a reply to the Original Application. Their stand is that the Circle Relaxation Committee at Jaipur examined the case of the applicant and after having duly applied its mind, the same was rejected on 29th January 2002, as intimated to the applicant on 8.4.2003. The wife of the deceased is getting family pension of Rs.1275/-. The Circle Relaxation Committee has taken into consideration the OM dated 9th October, 1998, followed by the clarifications dated 3.12.1999 and 24.11.2000 and vacancy position of the cadre, has rejected the case of the applicant. The case of the applicant was rejected for want of vacancy. The father of the applicant died in 1996 and

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the application for appointment was submitted for the first time in 1998. Thus, it is apparent that the family has been able to pull for a substantial period and thus the element of immediate help stands evaporated. The Circle Relaxation Committee on the existing rules on the subject duly considered all the cases and other cases were also equally treated on the same footing and the most indigent case was picked up for appointment. No rejoinder has been filed by the applicant despite number of opportunities having been given for the purpose.

3. I have heard the learned counsel for the parties at length and perused the material brought on record.

4. From the pleadings and arguments advanced by learned counsel for the parties, it becomes clear that the case of the applicant has been rejected primarily on two grounds i.e. there was shortage of vacancy and secondly there were no. of other cases which were to be considered for appointment on compassionate grounds. Undisputedly, under the scheme for compassionate appointment, the appointment on compassionate ground can be given to the extent of only 5% that too against direct recruitment quota. In this case the respondents have taken a specific plea that the cases of all the eligible applicants for appointment on compassionate ground were considered and only the most deserving candidate was offered appointment. For offering such appointment the respondents have constituted a committed popularly known as "Circle Relaxation Committee". This committee considers the cases of the eligible persons based on different types of information including the financial position of the family. Undisputedly, this is an expert body. After



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considering all the relevant facts and circumstances of the case and comparative analysis of the cases, the most deserving case has been chosen for offering appointment on compassionate grounds. This Bench cannot sit in appeal over the wisdom of the Circle Relaxation Committee. There is no allegation against the members of the Circle Relaxation Committee. Even though during oral arguments it was submitted that applicant should have been granted appointed instead of the selected candidate, but the applicant has not taken pains to implead the selected candidate as a party. Moreover, I find another reason to accept the plea of the respondents. Undisputedly, the respondents have filed a reply taking specific pleas that case of the applicant was not most deserving. Such pleas have gone un-rebutted, as the applicant has not filed any rejoinder. The Bench is left with no alternative but to accept the plea of the respondents, considering the law of pleadings. In any case, the respondents (Circle Relaxation Committee) had to walk a tight rope as no. of candidates ^{there were} ~~was~~ more and the vacancies were less. If the most deserving candidate has been offered appointment, I don't find any fault in such action of the respondents. Even though the applicant had alleged in the O.A. that no reasons have been advanced by the respondents in the impugned order and thus the impugned order should be quashed but the respondents have come out with reasons in the reply filed by them but the applicant has not filed any reply or taken pains to explain his case against the stand of the respondents. The argument raised on behalf of the applicant that he should have been given opportunity of hearing before rejecting his case has no legs to



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stand. The arena of principles of natural justice cannot be stretched to such an extent that even selection committees / expert bodies have to issue notices before arriving at a particular decision.



6. In view of the above discussion, this O.A. turns out to be devoid of any merits and is rejected accordingly. No order as to costs.


(M.K.MISRA)
Member (A)

HC*

January 2004.

received copy
Blair Sharma
(B.D. Sharma) 19/1/05
M.L.

Copy to
19/1/05
D.

Part H and III destroyed
in my presence on 08/01/2014
under the supervision of
section officer () as per
order dated 18/12/2013

Section officer (Record)

8/1/14