

I/6

**Central Administrative Tribunal
Jodhpur Bench, Jodhpur**

Original Application No. 222/2002
Date of Decision : This the 26th day of October, 2004.

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

Hema Ram S/o Late Moola Ram, aged about 21 Years, R/o Vill. And Post Bandhra, Tehsil Nokha Distt. Bikaner. His father late Moola Ram was Last employed on the post of EDMC Bandhra BO Tehsil Nokha Distt. Bikaner.

.....Applicant.

[By Mr. B. Khan, Advocate for the applicant]

Versus

1. Union of India through Secretary to the Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Assistant Superintendent of Post Offices (South) Bikaner.
3. Superintendent of Post Offices, Bikaner.
4. Post Master General, Rajasthan Western Region, Jodhpur.
5. Shri Pawan Kumar, EDMC, Bandhra BO, Tehsil Nokha Distt. Bikaner.

.....Respondents.

[By Mr. M. Godara, Adv. brief holder for Mr. Vineet Mathur, for the respondents]



ORDER

[BY THE COURT]

This application has been preferred by Hema Ram S/o Moola Ram, against the Union of India through the Secretary, Department of Posts, Assistant Superintendent of Post Offices (South), Bikaner, Superintendent of Post Offices, Bikaner, Post

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Master General, Jodhpur and Shri Pawan Kumar, Extra Departmental Male Career (EDMC), Bikaner, challenging the order dated 6.8.2001 placed at Annex. A/1 passed by the 2nd respondent as also against the order dated 5.7.2002 placed at Annex. A/2 passed by the 3rd respondent. The first order issued by the Assistant Superintendent of Post Offices (South), Bikaner, relates to appointment of Pawan Kumar, respondent No. 5, as EDMC on compassionate ground, while the latter dated 5.7.2002 issued by the Superintendent of Post Offices, Bikaner, to the applicant Hema Ram informs that the Circle Relaxation Committee did not find his family as financially destitute for grant of compassionate appointment. Paragraph 8 relating to relief seeks intervention of the Tribunal for quashing Annex. A/1 by which respondent No. 5 has been appointed and quashing Annex. A/2 by which the claim of the applicant has been rejected and further prays that he be given appointment on compassionate ground on the said post of EDMC Bandhra.



2. The brief facts of the case are that the applicant Hema Ram claims to be son of Late Moola Ram, who was working as EDMC Bandhra and who died on 29.3.2000. It is the admitted position that the deceased left about 16 Bighas un-irrigated land and a small dwelling house and his family received 47,000/- rupees on account of Death-cum-Retirement-Gratuity and Rs. 60,000/- towards ex-gratia group insurance. It is also mentioned that the family of the deceased now consists of only his widow and two sons – Hema Ram and Prema Ram and that one Daulat Ram, the

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eldest son was already adopted by another person and so became independent with no connection with the family of the applicant, a fact which is sought to be supported by a certificate of a Sarpanch, a copy of which is placed at Annex. A/4. It is applicant's case that even after making necessary applications and correspondence with the respondents and securing provisional appointment to the post of EDMC on 16.10.2000 vide the order placed at Annex. A/7, he does not understand how within two years of the same, the communication placed at Annex. A/2 was issued whereby, the Circle Relaxation Committee took the view that as there were no visible liabilities and the family had agricultural land, own house and an earning of Rs. 20,000/- per annum, it could not be called indigent. The applicant also says that this communication in paragraph 3 mentions that the adoption of his elder brother Daulatram, is supported by only a certificate from the Sarpanch which is not a legal document and this seems to have created doubts in the mind of the authorities although this is not in-consistent with the practice in villages where seldom such adoptions are formalized by execution of documents.

3. Both the learned counsel for the parties have been heard and reply filed by the respondents perused. It is their stand that this is the second round of litigation by the applicant - he having already preferred an O.A. No. 269/2001 which was disposed of on 26.4.2002 with a direction to consider the case of the applicant and decide the same within two months. They maintain that in obedience to these orders, the Circle Relaxation Committee



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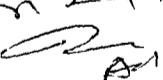
considered the case from all angles and came to the conclusion that as Shri Daulat Ram, eldest son of the deceased was working as Gramin Dak Sevak, Bandhara and as the ration card produced by the applicant dated 19.8.1995 indicated that Daulat Ram's wife was a member of the family, it was difficult to believe that Daulat Ram was not a member of the family of the deceased. They have further said that the facts as revealed by the application make it abundantly clear that the family of the deceased cannot be called indigent and so the committee rightly came to the conclusion that the applicant does not deserve any consideration.

4. It appears from the written reply that Daulat Ram, who is alleged to have gone in adoption had indicated the name of the deceased as his father in the NOC given by him for appointment of the applicant as per the copy placed at Annex. A/6 by the applicant himself. Coupled with the fact that the applicant admits to be in possession of about 16 Bighas of land, it is difficult to believe his case of penury. There is nothing else on record that enables taking of a contrary view.

5. The applicant has not been able to establish any case much less infringement of any of his rights. The application, therefore, lacks merit and is, therefore, dismissed with no order as to costs.

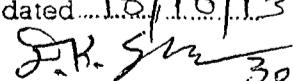
→ RO
[G.R.Patwardhan]
Administrative Member

jrm

R/COPY
on 28/4


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on 29/10


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

 30.10.2013
Section officer (Record)