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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 121 of 2004

Jodhpur, this the 22<sup>nd</sup> day of July, 2005

**CORAM:**

**HON'BLE MR.J.K.KAUSHIK, JUDICIAL MEMBER**

Gautam Dhamu S/o Shri Nathu Ram Dhamu by caste Dhamu, aged about 22 years, resident of House No. 9 Street No. 8, S.S.B. Road, Srigananagar.

..... Applicant

(Mr. P.N. Jatti: counsel for the applicant).

**VERUS**



1. Union of India through the Secretary to the Govt. of India, Department of Posts Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur-7.
3. Superintendent Railway Mail Service, ST Dn., Jodhpur.

.... Respondents

Mr. M. Godara, proxy counsel for  
Mr. Vinit Mathur: counsel for the respondents

**ORDER (ORAL)**

Shri Gautam Dhamu has filed this Original Application wherein he has questioned the validity of order-dated 06.05.2003 (Annexure A/1) and has sought for its quashment with a further direction to grant him the appointment on compassionate ground.

2. I have heard the learned counsel for both the parties and have carefully perused the pleadings and the records of this case.



3. The brief facts of this case are that the applicant is the son of late Shri Nathu Ram Dhamu. Late Shri Nathu Ram Dhamu was working as Assistant Superintendent post offices in the Postal Department and expired on 05.06.2001 while in service. The deceased Govt. servant was survived with large family consisting of his widow, two unmarried son and one unmarried daughter. The applicant is the second son of the deceased Govt. servant. An application was moved for consideration of his appointment on compassionate grounds furnishing the requisite details to the competent authority whereby the case of the applicant was considered and has not been recommended as per the impugned order.



The learned counsel for the applicant has submitted that the respondents were directed to make available the relevant records and he has been shown the same wherein the case of the applicant was considered in January 2003 but his name has not been recommended. He has drawn my attention to the Office Memorandum No. 14014/19/2002-Estt.(D), dated 5-5-2003 of Government of India, Department of Personnel and Training and submitted that as per the said OM the case of the applicant is required to be considered for the vacancies against three years but such course of action seems to have not been found expedient for the respondents; his case considered only against the vacancies of one year instead of three years.

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Therefore, the respondents should be directed to consider his case against the vacancies of two more years.

5. On the other hand, the learned counsel for the respondents has submitted that as per the normal procedure adopted by the respondents, the Circle Relaxation Committee (for brevity, CRC) may at one time for considering the cases of compassionate ground appointment for number of years and it might have been happened in this case that the case of the applicant might have been considered for three years inasmuch as the father of the applicant expired in the year 2001. If that were so, the Office Memorandum dated 05.05.2003, which has been referred to on behalf of the applicant, may not have any application in the instant case. He has further submitted otherwise also, the above said OM had been issued subsequent to the date of consideration of the applicant's case as well as the date of death of the deceased Govt. servant; the same would have no application to his case. Thus, on all counts the O.A., devoid of any merits, deserves to be dismissed.

6. I have considered the rival submissions put forth on behalf of both the parties. Incidentally, similar controversy came before this Court just yesterday in case of Smt. Antar Kanwar vs. Union of India & Ors (O.A. No. 180/2004). In the instant case I find that the consideration has been done only once and there is no pleadings to indicate that the consideration of the applicant



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has been done for vacancies against three years. The respondents were also directed to make available the relevant records and it has been ascertained from the learned counsel for the respondents that only one-year proceedings are made available to him by the respondents. However, in case, the case of the applicant has already been considered for vacancies against three years, there would be no grievance for non-compliance of the OM dated 05.05.2003.

In view of what has been said and discussed above, the Original Application is partly allowed and the respondents are directed to consider the case of the applicant for grant of appointment on compassionate ground against the vacancies for two more years after the date of his last consideration, keeping in view the provisions of OM dated 05.05.2003. In case, the case of the applicant has already been considered against the vacancies of three years at the time of last consideration itself, no action is called for from the respondents and the applicant may be informed, accordingly. No costs.

  
**(J.K. KAUSHIK)**  
**Judl. Member**

Kumawat

Part II and III destroyed  
in my presence on 10/12/14  
under the supervision of  
section officer ( ) as per  
order dated 18/12/13

~~Section officer (Record)~~

R. C. G.  
28/12/14  
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Copy of order  
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videw. 199

alt 29.7.2005