

I/6

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR**

Original Application No.220/2005

Date of decision: 22.02.2006.

Hon'ble Mr. Kuldip Singh, Vice Chairman

Mahesh Kumar Vaishnav S/o late Shri Janaki Lal Ji Vaishnav aged about 27 years, r/o village and post Bhainsroad Garh, Tehsil- Rawatbhata, Distt. Chittorgarh (Rajasthan). Father was working under the respondents as the Post Man (Group D)

: applicant.

Mr. Vikram Singh proxy counsel for

Mr. K.R. Choudhary

: Counsel for the applicant.

VERSUS



1. Union of India through the Secretary, Ministry of Communications, Posts and Telegraphs Department, Sanchar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan, Jaipur.
3. The Post Master General (Southern Region) Rajasthan, Ajmer.
4. The Superintendent of Post Offices, Chittorgarh Division, Chittorgarh.

: Respondents.

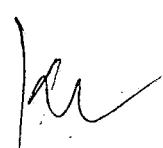
Rep. By Mr. Vinit Mathur : Counsel for the respondents.

ORDER

Per Mr. Kuldip Singh, Vice Chairman.

The applicant challenges the impugned order dated 15.04.2005 (Annex. A/1), vide which his request for grant of appointment on compassionate grounds has been turned down.

2. The facts, in brief, are that the father of the applicant, late Shri Janaki Lal Ji Vaishnav was working on the post of Postman Group D and he died on 27.10.2003, while in service. Thereafter, the applicant applied for appointment on compassionate grounds to a suitable post. The applicant had completed all the formalities by sending an



IT

application in the prescribed proforma for compassionate appointment, but the same is said to have been turned down vide Annex. A/1.

3. In the grounds challenging the same, the applicant submits that his mother, his unmarried sister, himself, and his wife and his son were dependants on late Shri Janaki Lal Vaishnav. It is further submitted that during the life time of late Janaki Lal Vaishnav, the marriage of two of his elder sisters were performed. His late father was also suffering from some diseases and a huge amount has been spent on his treatment. Hence after the death of his father his financial condition has become indigent and the surviving family members of late Janaki Lal Vaishnav became poor. It is also submitted that the health condition of his mother has also deteriorated because of untimely death of her husband and the applicant had to incur heavy expenditure for her treatment also. It is further submitted that the department had erroneously rejected the case of the applicant for compassionate appointment on the ground that the family of late Janaki Lal Vaishnav is not in indigent circumstances. It is also stated that number of posts are lying vacant in the department and the applicant can be given appointment on compassionate grounds in one of the posts.

4. The respondents are contesting the O.A by filing a detailed reply. The respondents stated that the application for appointment on compassionate grounds submitted by the applicant was considered along with other cases in the Circle Relaxation Committee (CRC for short) meeting held on 01.02.2005 and 10.02.2005. The CRC found that the other cases were more indigent than the applicant's case and

KM

I/8

on comparative analysis the applicant's family is on better financial footing and not in indigent condition. Therefore, the applicant could not be provided appointment on compassionate grounds.

5. I have heard the learned counsel appearing for both the parties and have perused the records carefully. The learned counsel for the applicant referred to the chart placed by the respondents showing that who were given appointment on compassionate grounds. On a perusal of the chart, it is quiet manifest that the financial condition of the family of the applicant is on a much better footing than that of the candidates who have been appointed on compassionate grounds. Even according to the applicant himself he is a married person and he got a son through his wedlock. Therefore it cannot be expected that the applicant is not earning since no reasonable person would marry if he is unemployed. It may be that the applicant may be under employed. However, it is clear from the chart that the death terminal benefits received by the applicant's family is much more than that of the candidates who have been appointed on compassionate grounds and the family pension and dearness relief seems to be quiet sufficient. Hence the family of late Janaki Lal Vaishnav did not fall under the category of indigent family. They are also owning a house. Hence by no stretch of imagination the family of late Janaki Lal Vaishnav could be said in indigent circumstances and eligible for appointment on compassionate grounds. In this view of the matter, the O.A has no merit and it is dismissed. No costs.


 (Kuldip Singh)
 Vice Chairman

jsv

Copy received - 24.2.2016
Jasbir Singh
Encls: Singh Adv.

21 Oct 2012
OA

Pass II and III destroyed
in my presence on 3/4/14
under the supervision of
section officer () as per
order dated 31/1/2014

Section officer (Records)

3/4/14