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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application No. 309/2005

Date of the order: 05.01.2007

Hon'ble Mr. Kuldip Singh, Vice Chairman.

Vinod Kumar Soni, S/o late Shri Manu Prakash Soni, aged 24 years, by caste Soni, resident of Sampat Raj-ki- Katta Captain Gali, Mundri Mohalla, Ajmer (Raj). Shri Manu Prakash was working as Postal Overseer in the office of respondent No. 3

: Applicant.

None Present for the applicant.

VERSUS

1. Union of India through the Secretary to the Government, Ministry of Communication (Department of Post) Sanchar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan, Jaipur.
3. Superintendent of Post Offices, Sirohi Division, Sirohi.

: Respondents.

Mr. M. Godhara &

Mr. Vinit Mathur : Counsel for the respondents.

ORDER

Per Mr. Kuldip Singh, Vice Chairman.

Even at the second call none was present on behalf of the applicant. Hence I have perused the application and heard the learned counsel for the respondents.

2. The applicant assailed the order dated 07.04.2005 (Annex.A/1) vide which his request for compassionate appointment has been turned down. The applicant has a

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grievance that he deserves to be appointed on compassionate grounds since his father while working on the post of Postal Overseer under the respondents died in harness on 04.03.2003. His father was a only bread winner of the family. The deceased left behind his wife (mother of the applicant), the applicant and his younger brother and the entire family was left behind in destitute with no other source of income to make both ends to meet. Therefore, he made an application for appointment on compassionate grounds but the same has been turned down by the impugned order dated 07.04.2005.



3. In the grounds challenging the same, the applicant has stated that the order rejecting his application for compassionate appointment is arbitrary and unreasonable and the same has been passed in flagrant violation of Article 14 of the Constitution of India. It is also stated that the family is in indigent circumstances and no independent source of income is there and they do not have any residential premises of their own to live. It is further stated that the rejection of his request for appointment on compassionate grounds is against the observations made by the Hon'ble Supreme Court in various cases.

4. The respondents are contesting the O.A. by filing a detailed reply. They have admitted that the applicant's father expired on 04.03.2003, while working on the post of Postal Overseer under the respondents. It is further submitted that after the death of Shri Manu Prakash Soni, all the terminal benefits were paid to his family and the family of the deceased government servant is

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getting every month a sum of Rs. 2025/- + dearness relief as applicable from time to time. Besides, a sum of Rs. 3,32,354/- was paid as terminal benefits. It is averred that the family of the deceased government servant consists of his widow and his two sons i.e, the applicant and his younger brother, and both of them are major. Hence there is no liability of marriage of daughter and education of minor children. As both the sons are major and they can look after the family very well by doing some job and meet out the liabilities. It is further submitted that the case of the applicant was put up before the Circle Relaxation Committee (CRC for short). The CRC considered all the cases and decided to give appointment only to more deserving cases and on comparative merit the applicant's case was rejected. A Rejoinder has been filed by the applicant reiterating the facts and grounds mentioned in the O.A.

5. I have heard the learned counsel for the respondents and perused the pleadings of the applicant very carefully. I have also gone through the comparative chart produced by the learned counsel for the respondents and the same is taken on record. On a close analysis I find there were more deserving candidates than the applicant and the case of the applicant was rightly rejected by the respondents. The Apex Court, has recently in the case of **Union Bank of India and ors. vs. M.T. Latheesh** [2006 (8) Supreme 524] in para 36 has observed as under:

".... It is settled law that the principles regarding compassionate appointment that compassionate appointment being an exception to the general rule the appointment has to be exercised only in warranting



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situations and circumstances existing in granting appointment and guiding factors should be financial condition of the family."

As the cases of other candidates were more deserving, the respondents rightly rejected the request of the applicant for appointment on compassionate ground.

6. The applicant has also pleaded that the terminal benefits should not be considered for the purpose of assessing indigent for grant of appointment on compassionate ground. But after the judgement of the Apex Court in **General Manager (D&PB) & Ors vs. Kunti Tiwari & Anr.** [(2004) 7 SCC 271], the respondents can take into consideration the terminal benefits also. It is noticed from the chart produced by the learned counsel for the respondents, that the applicant's family has got more amount as terminal benefits and the applicant's mother is getting more money as family pension than others whose candidature were considered by the Circle Relaxation Committee for appointment on compassionate grounds.

7. For the foregoing reasons, the O.A is liable to be dismissed and accordingly it is dismissed. No order as to costs.


(Kuldip Singh)
Vice Chairman

Jsv.

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7.10.05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH
AT JODHPUR.

ORIGINAL APPLICATION NO. 309/2005.

APPLICANT: VINOD KUMAR SONI

V e r s u s

RESPONDENTS: UNION OF INDIA & ORS.

::: S Y N O P S I S :::

4/2/2003: The father of the applicant Sh. Manu Prakash Soni expired while working on the post of Postal Overseer at Post Office, Jalore.

14/3/2003: Applicant filed an application before the respondent praying for giving him appointment on compassionate ground.

26/2/2003: Application filed by the applicant was forwarded by the respondent no.3 to the Assistant Superintendent Post Office, Jalore for verification and filling up of The forms.

13/1/2004: The applicant filed a representation to the respondent no.2 for consideration of his case for appointment on compassionate grounds.

7/4/2005: The respondent no.3 conveyed to the applicant that since he was receiving family pension, therefore his case for appointment on compassionate ground has been rejected.

3/5/2005: The Mother of the applicant filed a representation before the respondent department stating therein that her family has got no independent source of income and the entire substantial part of the pension granted to them is being utilized for paying the rent of the rented premises. Being aggrieved against the order dt. 7/4/2004 (Annex.A-1) and non-consideration of the case of the applicant for appointment on compassionate ground, the present original application has been filed.

Date of Presentation.....

7.10.05

On Receipt by Post

By Hand

Presented by Sh. M. S. Soni, Sud. Advocate

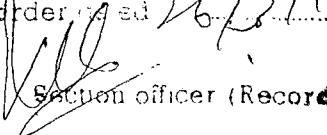
Office to Report On.....

10.10.05

D. Soni
Counsel for the Applicant

REGISTRAR
CAT, JODHPUR

Part II and III destroyed
in my presence on 2/2/14
under the supervision of
Section Officer 11 has per
order dated 2/6/14


Section Officer (Record)