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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 179/2006
Jodhpur : This the 7th day of May, 2007.**

CORAM :

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

Jagdish Lal Meena S/o Shri Heera Lal aged 23 years, R/o Village Kachotia, District Chittorgarh, Shri Heera Lal Ex. GDS BPM, Post Office Village Kachotia, District Chittorgarh.

.....Applicant.

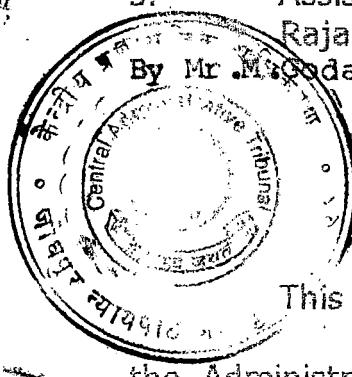
By Mr. Vijay Mehta, Advocate, for the applicant.

Versus

1. Union of India through the Secretary to the Government, Ministry of Communication (Department of Posts), Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Assistant Post Master General (Staff & Vig.), Rajasthan Circle, Jaipur.

By Mr. A. Godara, for Vineet Mathur, present.....Respondents.

**ORDER (ORAL)
[BY THE COURT]**



This Application has been moved under Section 19 of the Administrative Tribunals Act, 1985, praying for grant of compassionate appointment to the applicant.

2. The factual matrix of the case as brought out in the O.A. and as argued by the learned Advocate for applicant, is as under :

Applicant's father Shri Heera Lal died on 10.11.2003 while in service with the respondents. The applicant applied for compassionate appointment which was not considered by the respondents and conveyed vide letter dated 27.8.2004. The

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same was challenged before this Tribunal in OA No. 300/2005 with M.A. 136/2005. The O.A. was disposed of vide order dated 9.5.2006 (Annex.A/2). In the decision, the impugned order dated 27.8.2004 was quashed and the respondents were directed to re-consider the case of the applicant for grant of compassionate appointment in accordance with the rules keeping in view the observations made in the order.

3. The deceased Government servant is survived with Widow, two sons and four married daughters. It was brought out that elder son is residing separately though with monthly income of Rs. 10,000/-.

4. Based on the directions in the previous order, the respondent No. 2, the Chief Post Master General, Rajasthan Circle, Jaipur, issued order dated 20.7.2006 quoted as impugned order by the applicant in the present O.A. The learned advocate for the applicant argued that the impugned order has not taken care of the directions given by this Tribunal on 9.5.2006. As per the learned advocate, the respondents were directed to re-consider the case in accordance with the rules and only (i) eligibility condition and (ii) indigency of the family should have been considered.

5. The learned advocate for respondents have submitted a counter to the O.A. and it was brought out that in compliance with the orders of this Tribunal the matter was fully examined by the Circle Relaxation Committee and it did not find the case worth consideration. It was also pointed out that the compassionate appointment is not a matter of right. As far as



[Signature]

Indigency of the family is concerned, it was contended that the deceased employee expired after attaining the age of 57 years. The family has its own house and also has arable land of 4.09 hectares. The applicant's brother is a Government servant and is drawing a salary of 10,000/- per month. The family has no liabilities like marriage of daughters and education of children and as such, after objective assessment of the condition of the family, the respondents did not find the family in any indigent condition. On the directions of this Tribunal rendered on 9.5.2006, the Circle Relaxation Committee re-considered the case and again found that the family is not in any indigent condition. The impugned order at Annex. A/1 gives the details of the decision of Circle Relaxation Committee which is reproduced below :

"The decision of CRC is communicated as under:

The brief facts of the case are that Shri Neeraj Lal Meena, Ex. GDS BPM Kachotiya expired on 10.11.2003 leaving behind Widow, two married sons and five married daughters. He was due to retire on 11.5.2011 at the age of 65 years. The family of the deceased got terminal benefits of Rs. 48,000/. Other asset & source of income in the family are that there is 1/3rd share of 4.09 Hectare agricultural land and income of Rs. 15,500/- is being derived from there yearly as certified by Patwari Kachotiya and verified by SDI (P) Pratapgarh. There is own house to live in by the family. Besides, this elder son of the deceased namely Shri Kanhiya Lal Meena is employed as a teacher in Government school. He is reported living separately whose income is approximately Rs. 10,000/- per month. As per separate ration card of Shri Kanhiya Lal Meena, there are five members in his family including himself. The case of the applicant was considered by Circle Relaxation Committee met on 17.8.2004 and not found indigent hence rejected. The decision of the CRC was communicated through SPOs Chittorgarh on 20.8.2004. Being aggrieved with decision of the CRC, Shri Jagdish Lal Meena filed OA in Hon'ble CAT Bench Jodhpur and got direction for reconsideration of the case.

JW In the light of decision of the Hon'ble CAT, the case

has been reconsidered. As per the policy of the department suitable job in GDS cadre is to be offered to one dependent of GDS official who dies while in service leaving family in indigent circumstances subject to the condition applicable to regular employee who die while in service. Such employment to the dependent should however be given only on very hard and exceptional cases. It is thus not necessary to offer appointment in all the cases as a matter of right. When there is already earning member in the family who is living separately and not rendering any financial assistance to the main family, the request for compassionate appointment is to be examined by the Circle Relaxation Committee on merit of each case keeping in view the asset and liability position of the family of the deceased. In this case there is no liability of marriage and education of children. There is extra source of income through agricultural land as certified by the Patwari of the village. In case the elder son does not render assistance to the widow of the ex GDS BPM even then there is income to survive.

In view of foregoing, the Committee does not find the case as indigent even after reconsideration hence the same is rejected."

6. After going through the various documents on record as well as the arguments advanced by the learned advocates, it is concluded that the Circle Relaxation Committee has re-considered the case in the light of this Tribunal's order given in OA No. 300/2005 and has covered the various issues. There is nothing new brought out in this application. The O.A. has hardly any force and is, therefore, dismissed with no order as to costs.

R.R.Bhandari
(R.R.Bhandari)
Admv. Member

Part II and III destroyed
in my presence on 23-6-14
under the supervision of
section officer () as per
order dated 26-5-14...

Section officer (Record)

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