



**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 258/2009

Date of Order: 28.09.2010

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

Jai Singh son of Late Shri Neki Ram Ji, by caste Dhanak (SC), aged about 30 years, resident of village Brin, Tehsil Rajgarh, District Churu (Father was Ex Group D employee working under respondent no. 4).

....Applicant

Mr. N.L. Joshi, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication, Department of Postal, Dak Bhawan, New Delhi.
2. Chief General Post Master, Department of Post Office, Jaipur.
3. Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Office, Churu.

....Respondents.

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

ORDER

(Per Dr. K.B. Suresh, Judicial Member)

Measurement of and comparison of compassion is the basis of ratio in the case. The applicant would rely on the judgment of Hon'ble Rajasthan High Court in the case of **Suresh Kumar Sharma vs. Union of India & Ors.** reported in 2003 Western Law Cases (Raj.) UC 317, which appears to be of a similar nature. The Hon'ble High Court has held that the retiral

S
R

benefits received by the family of deceased cannot be taken into account for the purpose of denying the appointment on compassionate grounds. But the respondents in reply would assert that it is one of the ground available to them in comparative assessment and vide annexure R/10 they have in fact assessed the comparative assessment and the number of vacancies are less in that year than the candidates. I see merit in the contentions of the respondents. The compassion should be assessed and even after comparatively and objectively measurement is made and then only the people amongst the possible can be granted the benefit of compassion at all.

Therefore, the impugned order in my opinion is legal and correct. But at the same time, this will not debar the respondents from considering the case of the applicant for the next arising two opportunities wherein also his merits and demerits shall also be comparatively assessed and analyzed to find all the level of the indigence and if it is satisfied that the requirements are met, then there shall not be at any bar in giving compassionate appointment. With the above observations, the Original Application is disposed of. But while assessing indigence, the cause of death of the deceased and their relevant social status as SC and the debts they may have incurred as a result of disease of the deceased may also have to be applied as a factor. No order as to costs.

(Dr. K.B. Suresh)
Judicial Member

दिनांक 12/12/15 को आदेशानुसार
मेरी पत्नी, सुमित्रा देवी 11/12/15
को आग-हीन मृत्यु का शिकार हुई।

सुमित्रा देवी का
केंद्रीय प्रशासनिक आयोग द्वारा
खीमपुर न्यायवाट, जोधपुर