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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 75/2009
JODHPUR THIS IS THE 27 March, 2009**

CORAM:

HON'BLE Dr. RAMESH CHANDRA PANDA, MEMBER (A)

Kanchan Devi, W/o Late Ratan Lal Prajapat, Aged about 38 years, R/o Ward No. 21, Om Colony, Churu. (Applicant's husband was working as a Postal Asstt. Post Office, Churu).

....Applicant.

(Advocate: Mr. S.P. Singh for Applicant)

VERSUS

1. Union of India through
Secretary to Govt. of India,
Ministry of Communication,
Department of Post,
Dak Bhawan,
New Delhi,
2. The Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. The Post Master General
Western Regional,
Jodhpur.
4. Superintendent of Post Office,
Churu Dn,
Churu.

.... Respondents.

(None present for respondents)



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ORDER
PER DR. RAMESH CHANDRA PANDA, MEMBER (ADMN.)

Smt. Kanchan Devi W/o Late Ratan Lal Prajapat, has approached this Tribunal by this O.A. seeking for appointment to the post of Group "D" on compassionate ground by declaring the family in indigent condition and also to make the said appointment by relaxing the recruitment rules on compassionate grounds.

2. The facts of the case in nutshell are that Shri Ratan Lal Prajapat husband of the applicant was working as Postal Assistant w.e.f. 20.12.1979 and expired on 27-4-2003. The applicant moved the respondents for compassionate appointment in any Group "D" post which was considered by the appropriate Committee of the respondent and after making an objective assessment of the financial condition of the family, it could not find the applicant's family to be in indigent condition. Thus the application of the applicant for compassionate appointment was rejected vide respondent's letter dated 26.04.2005 (**Annex.-A/1**).

3. At the admission stage itself, I heard exclusively the arguments of Shri S.P. Singh the learned counsel for the applicant. He contended that the applicant and her family has been financially in a very bad stage since they spent lot of money on the treatment of the applicant's husband who was



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suffering from CVA (Cerebral Vascular Accident) i.e. Brain Tumor. In this background he contended that the applicant's claims needed to be examined in a sympathetic manner and the respondents should be directed for reconsideration of the applicant and relaxation of the rules governing the appointment of compassionate grounds.

4. I have given consciously great deal of thought on the prayers made by the applicant more specifically to see whether the applicant and her family is in indigent condition. The rules on compassionate appointment provide that if the dependent legal heirs of the deceased employee are in indigent condition, the family will become eligible to get employment on compassionate ground for any of the eligible members of the family. In this regard the financial indigent condition is critical ingredient for selection to consider the appointment on compassionate grounds. I went through the pleadings and noted that the Committee on compassionate appointment of Department Post has evaluated the financial condition of the deceased employee's family. It is appropriate to recall the information here:-

- The family is getting family pension of Rs. 2675/-+ Dearness Allowance.
- The family has already received terminal benefits to the tune of Rs. 3,77,599/-.
- The family has their own house to live in.

5. The Committee on compassionate appointment has gone through the financial condition of the family of the former

Signature




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employee who having expired on 27.04.2003 had left his widow (the applicant herein) and two unmarried sons. The committee ultimately came to the conclusion that financial condition of the family is such that the applicant's claim to be indigent condition cannot be accepted. I have also gone through the details furnished by the Department of Post in the letter dated 26.04.2005. I agree with that and note that the respondents had done a proper verification of the financial condition of the applicant and her family and declared her not deserving to give her any appointment on compassionate ground. At the admission stage itself I find that there is no need to give any notice to the respondents and prolong the matter. Therefore, at the admission stage itself, I come to the considered conclusion that there is no merit in the applicant's prayer for compassionate appointment and is, therefore, liable to be dismissed.



6. Accordingly, the Original Application No. 75/2009 being devoid of merits is dismissed in limine.


[Dr. RAMESH CHANDRA PANDA]
MEMBER (ADMN.)

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Record copy in OA No 7570 of Kanha Devi v. CSI
S. No. 1
27/3/09. S. No.
S. No. 1
A. A.

Part II and III destroyed
in my presence on 27/3/09
under the supervision of
section officer (J) as per
order dated 07/07/2015

Section officer (Record)