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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO.372/2010
with Misc.Application No.199/2010**

Date of order: 09.08.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Gopal Lal Mali S/o Late Shri Banshi Lal, B/c Mali, aged 35 years, R/o Village Post Sardar Nagar, Tehsil Baneda, Distt. Bhilwara (Raj.)
Petitioner's father was working as group D employee under respondent No.4

...Applicant.

Mr. Girish Shankhala, counsel for applicant.

VERSUS

1. Union of India
Through Secretary,
Government of India, Ministry of Communication
Post and Telegraphs, Department, Sanchar Bhawan,
New Delhi.
2. The Chief Post Master General,
Rajasthan Circle, Jaipur.
3. The Post Master General,
Rajasthan southern Region,
Ajmer, (Raj.)
4. The Superintendent of Post Office,
Bhilwara Division, Bhilwara (Raj)
5. Inspector of Post office,
Sahpura sub Divisional Office,
Sahpura, Distt. Bhilwara.

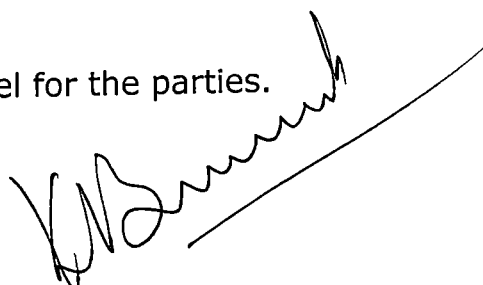
... Respondents.

Mr. Ankur Mathur proxy for
Mr. Vinit Mathur, counsel for respondents.

ORDER (Oral)

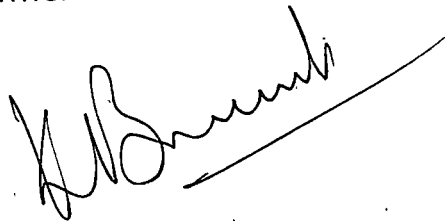
(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

Heard both counsel for the parties.



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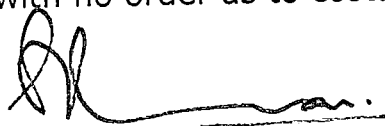
The matter relates to compassionate appointment of a person, who is 36 years of age. It would appear that the cause arose when he was 27 years of age but apparently the authorities had doubts on his eligibility and they seem to have insisted on further documents which apparently was filed by him as Ann.A-3, A-4, A-5, A-6, A-7, A-8 and Ann. A-9. Thereafter, the respondents have considered his case vide Ann. A-1 & A-2, whereby the CRC did not find him sufficiently most indigent as compared to other cases and hence the case of applicant was rejected on the grounds: (1). The Ex Group D had expired on 6-12-2004. (2). As per synopsis the ex-official had left widow and two married sons and one unmarried son. (3). The Family is getting family pension of Rs. 2200+DR per month. (4). The family has got terminal benefit of Rs. 1,21,921/-. (5). Family has parental house to live in and also 4 Bigha 12 biswa cultivable land and deriving income of Rs. 22000/- PA approximately. (6). The family of the deceased has survived for about 4 years 9 months after the death of ex-employee. On the above grounds, the respondents conclusively rejected the case of applicant, if it is to be held that the first ground is to be valid to any delay to appoint him on compassionate ground, it would then become futile and stale. It was said that since the applicant has in possession 4 bigha 12 biswa cultivable land which gives income of Rs.22000/- PA approximately it may convey a level of living alongwith family pension of the deceased at Rs.2200+DR, which is a meagre amount. The respondents cannot prejudice the right of applicant on the principle of being part owner of the land. On both these grounds

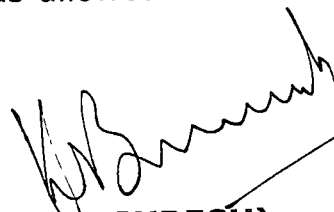


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together, the respondents cannot deprive appointment on compassionate ground and a more broader view ^{has} to be taken, and the applicant may be considered independently at the time of consideration for compassionate appointment. The counsel for respondents have pointed out that the Hon'ble High Court has taken a decision in a matter that a person while above 25 years of age need not be considered for appointment on compassionate ground. Neither the above judgment will prejudice the claim of applicant, nor it is mandatory in the scheme, as we find him at 27 years of age when the cause arose, and the delay was for the fault of the respondents and they dragged on the issues. Therefore, on these grounds, the delay is condoned and thus the OA succeeds. He is entitled to be considered for a total of three opportunities after the vacancies are marshalled on the basis of a comparative analysis. Since it is said that he was thus considered only once, ^{the} applicant shall be considered by the respondents twice more in comparison with others and ~~pass~~ a speaking order ~~passed~~.

In view of above, the present OA stands allowed to this limited extent, with no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER