

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.149/2010
with
Misc. Application No.89/2010

Date of decision:09.01.2012

HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.

Raghuveer Singh S/o Udai Singh, by caste Rajput, aged about 32 years, R/o village Indokha, Tehsil Nhava City, District Nagaur. The father of the applicant was working as Branch Postman, Kankariya (Kuchaman City), District Nagaur.

: Applicant

**Mr. Govind Suthar, proxy counsel for
Mr. K.D.S. Charan,, counsel for applicant.**

Versus

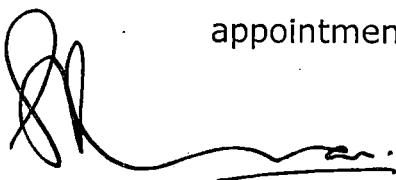
1. The Union of India through the Secretary, Ministry of Communication, Dak Bhawan, New Delhi.
2. The Superintendent Post Offices, Nagaur, Rajasthan.

.....Respondents

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

ORDER (ORAL)

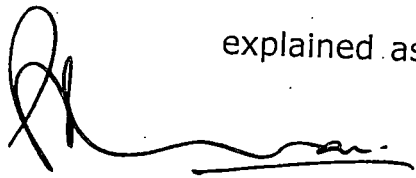
Heard. This is a case in which the father of the applicant, who was working as Branch Postman at Kankariya, was retired on medical grounds on 14.08.1996. Thereafter, a prayer was made by him on 10.01.1997, through Annexure-A/2, that since he was retired on medical grounds, his son, the present applicant, should be granted compassionate appointment. This application dated 10.01.1997 of the applicant's father was finally disposed of by the respondents through Annexure-A/1, dated 17.03.1997, stating that there is no provision for providing compassionate grounds appointment to dependents of persons retired on medial grounds.



It has been further submitted on behalf of the applicant that even though a request was made for release of the DCRG through Annexure-A/3 by the father of the applicant, but that request has not yet been paid heed to by the respondents. The applicant has therefore prayed for the records of the case to be called for, and the impugned order Annexure-A/1, dated 17.03.1997, to be quashed and set aside, and for the respondents to be directed to consider the case of the applicant to be given appointment on compassionate grounds. It has been mentioned that by a clerical mistake or mistyping, in para 8(iii) of the O.A., it has been stated that the compassionate appointment is sought by the applicant in place of her deceased mother, which is neither applicable to the applicant, nor to the father of the applicant. The clerical typing error is prayed for being overlooked, which prayer is allowed.

2. The applicant has also filed a Misc. Application for condonation of delay on the ground that since pensionary benefits of the applicant's father have not yet been settled, the applicant is having a recurring cause of action, and the delay of more than 13 years from the date of issuance of Annexure-A/1, dated 17.03.1997, till the date of filing of the O.A. on 24.05.2010, should be condoned.

3. The learned counsel for the respondents has stoutly opposed the prayer for condonation of delay, stating that no sufficient cause explaining on a day-to-day basis the aspect of delay of 13 years has been given, and no proper explanation has been given for the abnormal delay. The respondents have however not explained as to how the DCRG of the person who was retired as



long back as on 14.08.1996 has not yet been settled more than 15 years thereafter. But the learned counsel for the respondents fairly submits that since the main prayer in the O.A. was for compassionate appointment, only that aspect has been covered in the reply written statement, and, in the absence of complete Service Records, he cannot today explain as to whether the DCRG amount of the applicant's father was ever released or not, and as to whom it was paid.

4. The scheme for compassionate appointment applies to the cases of indigent circumstances in the case of death of serving government employees, and the respondents have rightly pointed out in Annexure-A/1 that the compassionate appointment scheme cannot be made applicable to the wards of persons who are retired on medical grounds automatically, unless indigent circumstances are otherwise established beyond doubt, and the Scheme so permits.

5. The applicant has also not been able to satisfactorily explain the delay in filing of the O.A., and non payment of DCRG, which though is a very relevant matter, does not give rise to a recurring cause of action for a claim of compassionate appointment to survive.

6. However, since the respondents have not clearly brought on record their having settled the DCRG dues, and the prayer at Annexure-A/3 was for both the DCRG amount to be settled, and for compassionate appointment to be granted to the applicant herein, therefore, the O.A. is partly allowed, with a direction to

the respondents to verify about the aspect of the settlement of the DCRG amount, and if not yet settled, then to settle the DCRG of the retired Government servant in favour of the applicant, if he is the only available legal representative, with 6 per cent interest from the date the amount became due, till the date of actual settlement of the dues to the rightful person, which may be decided by the respondents. The prayer of the applicant for compassionate appointment, however, does not have any merit.

7. Therefore, the O.A. is allowed to the limited extent as stated above. The M.A. is also disposed of. No order as to costs.


[Sudhir Kumar]
Administrative Member

Rss

R/K
6-11-12
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For 14.9.15. clayton
dave

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