

12

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 321/Jodhpur/2011.

Date of decision:06.09.2012

CORAM :

HON'BLE MR. G. GEORGE PARACKEN JUDICIAL MEMBER

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER

Jawari Lal S/o Late Shri Sohan Lal Aged about 45 years, by caste Brahman, resident of Village and Post Office Salawas, District Jodhpur (Late Shri Sohan Lal Joshi, Ex. GDS MC/MD was posted at Salawas BO (under Luni DSO) Jodhpur, Jodhpur Division.

..... Applicant.

[By Mr. S.P.Singh, Advocate]

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Posts, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur - 07.
3. The Director, Post Master General, Western Region, Jodhpur.
4. Sr. Superintendent of Post Offices, Jodhpur Division, Jodhpur.
5. Assistant Superintendent of Post Offices, East Sub Division, Jodhpur.

.....Respondents

[By Mr. Vinit Mathur along with Mr. Ankur Mathur, Advocates]

ORDER (Oral)

[PER HON'BLE MR. G. GEORGE PARACKEN]

Applicant's grievance is against the denial of appointment to him on compassionate grounds. The brief facts necessary for disposal of this case are delineated as under :-

2. The applicant is the son of Shri Sohan Lal, GDS, MC/MD in Branch Office Salawas, who died while in service on 15.5.2009. He has applied for grant of appointment on compassionate grounds on 7.7.2010. The Circle Relaxation Committee, considered his application and observed as under :

- "1. The Ex-GDS MC/MD expired on 15.05.2009.
 2. As per synopsis, the Ex-GDS had left widow, three married son and three married daughter.
 3. The family had received Terminal benefits to the tune of Rs. 58,000/-.
- ✓

4. ***In assets, the family has own house to live in.***
5. ***The family has landed property of 6.5 Bighas of value 5.40 laks.***
6. ***All the three sons of deceased GDS are engaged in private work and each one is earning Rs. 48,000/- per annum."***

On the basis of the aforesaid observations, the Committee came to the conclusion that the family was not in indigent condition and hence his case was not recommended for appointment on compassionate grounds.

3. The applicant has challenged the aforesaid decision by filing this OA on the ground that the respondents have not considered the case of the applicant in accordance with the mandatory provisions contained in the relevant rules. Further, according to him, he is a qualified person possessing both academic and professional qualifications but respondents have been adopting pick and choose policy to accommodate their own persons as is evident from the selection procedure because the respondents have denied the three minimum opportunities to be considered for appointment on compassionate grounds as per the extent instructions issued by the Government of India vide DOP&T OM's on 4.7.2005 and 05.05.2003.

4. The respondents in their reply have submitted that late Shri Sohan Lal, GDS Salavas, completed about 45 years of service and he had only just two more years to go for superannuation. They have also stated that all the cases relating to grant of appointment on compassionate grounds are considered by the Circle Relaxation Committee ('Committee' for Short) and it recommends only those deserving cases where the families of the deceased Government servants are in indigent conditions. In the case of the family of Late Shri Sohan Lal, it was found not in indigent condition. Accordingly,

✓

Committee did not recommend the applicant's case for appointment on compassionate grounds.

5. We have heard the learned counsel for applicant Mr. S.P. Singh and the learned counsel for the respondents Mr. Vinit Mathur. First of all, it is a settled position that appointment on compassionate grounds is an exception to Article 14 and 16 of the Constitution of India. However, provision for such appointments has been made by the Government and framed the Scheme for compassionate ground appointment to give immediate relief to the families of the deceased Government servants which are in indigent circumstances. The very object of the said Scheme is to enable the family to meet the crisis arising out of the sudden death of the Government servant. Therefore, in every case of death of the Government servant, the departments are not required to grant compassionate ground appointment to the dependants of the deceased employee in a routine manner. In all such cases, it is seen that the respondents have constituted an authority known as Circle Relaxation Committee to assess the degree of indigence of the families of the deceased Government servants. They consider the cases within the prescribed parameters and arrive at the conclusion whether the family of the deceased in great indigent circumstances deserving appointment on compassionate ground to the dependant of the deceased Government servant or not. In the present case, the Committee has considered the case of the applicant within the prescribed parameters and came to the conclusion that the applicant's family is not in indigent condition and, therefore, it did not recommend his case for compassionate appointment. The said recommendation of an empowered committee cannot be just brushed aside.

6. Moreover, it is an accepted fact that the number of vacancies ear-marked in every department for appointment on compassionate grounds appointment is very limited as they can only allocate 5% of the vacancies in Group 'C' and Group 'D' posts meant for direct recruitment. It is for this reason that the Government of India, Department of Personnel and Training, has decided that for a fair consideration for such claims for compassionate appointment, the applicant should be considered at least thrice in three consecutive years for grant of such compassionate appointments. In the case of the applicant when the competent authority has not even recommended him for grant of compassionate appointment, the question of considering him for three years as submitted by the learned counsel for the applicant does not arise at all.

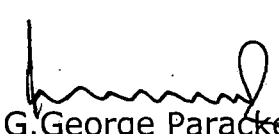
7. We have also seen that the applicant's father served the respondent-department for almost 45 years. He died at a comparatively late stage in his service. There were just two years left for him to superannuate. The members of family are also comparatively well settled. Therefore, in our considered view also, there was no arbitrariness or illegality in not recommending the applicant who is 45 years old for appointment on compassionate grounds.

8. In short, this O.A. is absolutely without any merit and, therefore, it is dismissed. There shall be no order as to costs.



(B.K. Sinha)

Administrative Member



(G. George Parackal)

Judicial Member