

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No.393/2011

Jodhpur this the 1st day of January, 2013

CORAM :

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

Yatinder Kumar S/o Late Shri Anil Kumar Sethi
resident of House No. 317, Sector 5,
Nohar District Hanumangarh
(Father was working on the post Dak Sahayak
under the control of respondent No.4).

Applicant
[By Mr. B. S. Charan, Advocate]

Versus

1. Union of India through Secretary Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Department of Post India, Jaipur.
3. Assistant Post Master General (S&V), Office of Chief Post Master General, Rajasthan Circle, Department of Post India, Jaipur.
4. Superintendent of Post Office, Department of Post, India, Srigananagar.

Respondents

[By Mr. Vinit Mathur Advocate/ASGI with Adv.MS Godhara]

ORDER

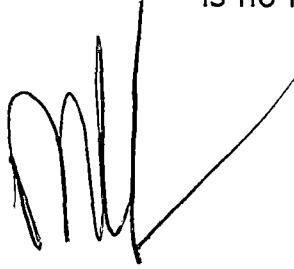
Heard the learned counsel for the applicant Shri Yatender Kumar.

2. The case of the applicant in brief is that his father Late Shri Anil Kumar served on the post of Dak Sahayak. The deceased



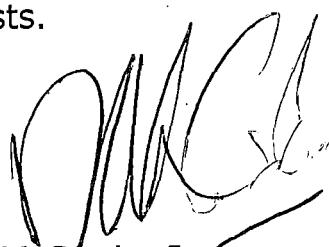
on 4.5.2011 and it was found that the applicant does not qualify to be indigent. Hence, the CRC rejected the case of the applicant.

5. The only issue to be considered and decided is whether the family of the applicant can be called indigent or not? The Schemes for compassionate appointment nowhere defines indigence or lays down any income/property bench-mark by below which the applicant would qualify to be indigent. One has to remember that in absence of such guidelines it is the applicants are governed by two stages of indigence- one absolute standard whereby the applicant is also not able to meet his daily requirement and the comparative indigence whereby a number of families will be deemed indigent but the poorest them of all shall walk away with the post. The only Bench-mark that I can think of for absolute indigence is the poverty-line drawn up by the Government which is still at Rs. 32/- per person per family which is above Rs. 60,000/- per year for the urban dwellers. Admittedly, the applicant has an income much above that and, therefore, he falls short of this absolute standard. However, in terms of the comparative poverty the applicant has been paid Rs. 12 Lakhs admittedly as terminal benefits and the family pension of Rs. 11,280/- and DA which is linked to inflation. Besides the mother of the applicant is a teacher in a Government school and is drawing a handsome salary per month. Thus, I also agree that the contention of the respondents that the applicant and his brother are both graduates and major and there is no liability like marriage of daughter etc. by which the family is



burdened. Hence, by no stretch of imagination can the family be considered indigent and the CRC has correctly held that the family is not entitled to appointment on grounds of not being indigent. One has to remember that the instant scheme for compassionate appointment has been drawn up for those employees who expire while in service and the families they leave behind are so destitute that they cannot survive without Government jobs. It does not envisage that the deceased employee will be replaced by his son or heir in service as well.

6. As such, under the circumstances abovementioned, I find that the applicant has no case whatsoever. The application filed by the applicant is therefore dismissed without costs.



[B.K.Sinha]
Administrative Member

jrm