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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.182/2011

Jodhpur, this the 12th April, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Jwala Shanker Vyas S/o Shri Nathu Lal Vyas, aged 26 years, R/o village Tonkarwar, District Bhilwara, Shri Nathu Lal Vyas, Ex.GDS BPM MC, Post Office Village Tonkarwar, District Bhilwara.

.....Applicant

Mr. Vijay Mehta, counsel for applicant.

Vs.

1. Union of India through the Secretary to the Government, Ministry of Communication (Dept. of Posts), Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Bhilwara.

...Respondents

Mr. D.P.Dhaka, present, on behalf of
Mr. Vinit Mathur, counsel for respondents.
Ms. K. Praveen, counsel for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

By way of this application, the applicant has challenged the process of compassionate appointment conducted by the respondent department, and further prayed for direction to appoint the applicant on compassionate grounds forthwith, with a prayer to quash the Annexure-A/1 by which the candidature of the applicant was rejected by the respondent department.

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2. This is the second round of litigation because the present applicant, Jwala Shanker Vyas, earlier filed an OA No.326/2010 for directing the respondent to give him appointment on compassionate grounds on account of death of his father. The same was disposed of vide order dated 01.12.2010 with a direction to the respondents to reconsider the case of the applicant for appointment on compassionate ground with reasonable parameters and in the light of the observations made in that order within a period of three months from the date of receipt of a copy of that order. After considering the case of the applicant qua the other candidates, the Circle Relaxation Committee did not find his case fit for appointing him on the post of GDS. The applicant has sought to quash the annexure-A/1, which was communicated to the applicant and give him compassionate appointment.

3. The short facts to decide this application, as averred by the applicant, are that the applicant's father was working as GDS BMP and died on 08.12.2008 while in service, and thereafter the applicant applied for compassionate appointment. The application of the applicant was rejected vide order dated 23.03.2009 on the ground that applicant's family is earning an income of Rs.19,500/- per year. When the respondent department rejected the application of the applicant for appointment on compassionate ground vide order dated 25.05.2011, the applicant has filed this OA for the above relief(s).

4. By way of counter, the respondents contended that the case of the applicant was considered as per the scheme of

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Compassionate Appointment to Dependents of GDS, and the Circular dated 31.10.2010, and the Circle Relaxation Committee did not find the case of the applicant fit to appoint him on compassionate grounds on the basis of marks allotted to him as per the policy and circular of the respondent department.

5. By way of rejoinder, the applicant while reiterating the earlier facts also averred that just after the death of his father, he was asked to perform the duties of the GDS and after some time, he was discontinued from the services by the respondent department.

6. Heard both the counsels. Counsel for the applicant contended that vide Annexure-R/11, the case of the applicant was not considered qua Shri Chetan Kumar Kabra, and the applicant was not allotted the proper marks. He further contended that the father of the applicant was working at village Tonkerwad via Roopheli, District Bhilwara. Therefore, no any other persons can be appointed at that place as per the appointment rules of Postal Gramin Dak Sevak, because the person appointed at in a particular village requires to be resident of village and must have a residential accommodation of that village.

7. Per contra, learned counsel for the respondents submits that no person has been appointed at Tonkerwad via Roopheli, District Bhilwara, where the father of the applicant was working and the persons recommended for appointments were considered only on the posts where their father were working. He further submits that marks were allotted to the applicant are strictly as per

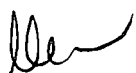
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the circular dated 31.10.2010. It was also averred that the applicant only worked on stop gap arrangement for a short while on temporary basis after his father's death.

8. We have considered the rival contentions of both the parties and perused the Annexure-R/10 & R/11, and also the Scheme/Circular dated 31.10.2010. We have also perused the marks allotted by the Circle Relaxation Committee to each candidates, in our view the marks allotted to each candidates is as per the Scheme dated 31.10.2010. Therefore, it cannot be said that the marks allotted to the applicant were in a different way than allotted to any other equally situated candidates. Therefore, Annexure-A/1 cannot be said to be illegal, unjust and improper. The applicant has not made out his case for appointment on compassionate grounds and for quashing of the Annexure-A/1.

9. As the OA lacks in merit, the same is dismissed herewith. However, for the vacancy for the direct recruitment to the post of GDS in village Tonkerwad via Roopheli, District Bhilwara, whenever published/advertised, the case of the applicant shall be considered sympathetically looking to the fact that he worked for some time on the said post as a Stop Gap Arrangement in the same village. No order as to costs.



[Meenakshi Hooja]
Administrative Member



[Justice K.C. Joshi]
Judicial Member