

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.296/2012

Jodhpur, this the 19th March, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)

Surendra Kumar Mochi S/o Shri Lal Bahadur Das, by caste Mochi (S.C.), aged about 28 years, R/o Ward No.1, Nursery Road, Near Vardh Ashram, Sangria, District Hanumangarh (Raj.). Father of the applicant Late Shri Lal Bahadur Das was posted as Post man in the office of Sub Post Master, Post Office Sangaria, District Hanumangarh.

.....Applicant

Mr. Rajendra Prasad for Mr. H.S.Sidhu, counsel for applicant.

VS.

1. Union of India though the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Superintendent of Post Office, Sri Ganganagar Division, District Sri Ganganagar.
3. Chief Post Master General, Rajasthan Circle, Jaipur-302007.

...Respondents

Mr. Vinit Mathur, counsel for respondents.

ORDER (ORAL)

The short facts necessary to decide this application are that the father of the applicant was holding the post of Postman in the Postal department, and he died while in service on 14.11.2010. The applicant applied for compassionate appointment after the death of his father. He was denied the compassionate appointment vide Annexure-A/1 dated 15.03.2012, comparing his family circumstances with the other candidates to whom the Circle

Relaxation Committee found suitable for compassionate appointment. It has been averred in the application that the family condition of the applicant is also not good. Applicant's family is having only one residential house in agriculture land and has not been regularized so far. The total income of the applicant is Rs.1,22,292/- per year including the pension amount, which is being received by his mother annually. The finding given in the order dated 15.03.2012, denying the compassionate appointment to the applicant, is against the material available on record, therefore, this original application has been filed.

2. By way of counter, the respondent department denied the averments made in the application and further contended that the Circle Relaxation Committee after consideration all the relevant facts found the applicant less meritorious for appointment on the compassionate grounds than the other eligible candidates. Therefore, he was rightly denied the compassionate appointment. The respondents further contended that the income of the applicant's family is Rs.1,22,292/- per annum is from the other source than the annual pension therefore, considering into above facts he has been rightly denied the compassionate appointment.

3. Heard both the parties. Counsel for the applicant contended that certificate at Annexure-A/10 issued by the Tehsildar Sangria shows the entire income of Anaari Devi (mother of the applicant) is Rs.1,22,292/-, it does not mentioned that the pension has not been included in this amount, and the Circle Relaxation Committee

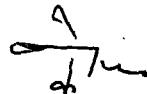
considered this income as the additional income to the annual pension, therefore, the respondents failed to consider all the relevant considerations as entitling the applicant for compassionate appointment.

4. Per contra, counsel for the respondents submits that Annexure-A/10 only prescribes the additional income of the mother of the applicant including annual pension, therefore, the Circle Relaxation Committee considered the case of the applicant objectively and therefore the applicant is not entitled to get any relief from this Tribunal and he further contended that the application of the applicant lacks in merits.

5. Considering the rival contentions of both the parties and also perused the record, for deciding the controversy, the Annexure-A/10 is one of the important relevant document because as per Annexure-A10, the annual income of the applicant's family Rs.1,22,292/- includes the yearly pension of his mother and the counsel for the respondents contended that this amount does not include the family pension because it is an income from other sources than the pension. The certificate itself is vague and it does not prescribe that whether this include the pension of Annari Devi or not. Therefore, it requires a specific enquiry from the Tehsildar that the Annual income shows in Annexure-A/10 includes the yearly pension of Annari Devi or not because had it been a certificate of yearly income from other sources than the matter would have been different situation from the present. Therefore, in my considered view the matter requires reconsideration by the

respondents while seeking a clarification from the concerned Tehsildar regarding a specific version in respect to the income of the mother of the applicant.

6. Accordingly, the OA is disposed of with a direction that the respondents shall enquire the matter from the concerned Tehsildar regarding this fact that whether Annexure-10 includes the annual pension of the mother of the applicant or not and in case the Tehsildar submits that the annual income of the mother of the applicant has been shown in the Annexure-A/10 than they shall consider the case of the applicant refresh within four months. And if the annual income of the applicant's family is as per the Annexure-A/10 excluding pension than there is no need to reconsider the case of the applicant. Accordingly, this application is disposed of. No order as to costs.



[Justice K.C. Joshi]
Judicial Member