

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 310/2012
With MA No.154/2012

Jodhpur, this the 9th day of February, 2015

CORAM

HON'ble Mr. Justice Kailash Chandra Joshi, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Kanhaiya Lal Joshi s/o late Banshi Lal Joshi, aged about 37 years, resident of Village and Post-Oda, Tehsil- Jhadol, Distt.-Udaipur, his late father was employed on the post of G.D.S. D.A./M.C. at B.O. Oda (Phalasia), Distt-Udaipur in postal Department.

.....Applicant

By Advocate: Mr. J.K.Mishra

Versus .

1. Union of India through Secretary to the Government of India, Ministry of Communication and Info Tech, Department of Post, Dak Bhawan, Sansad Marg, New Delhi- 110 001.
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Senior Superintendent of Post Offices, Udaipur Division, Udaipur

.....Respondents

By Advocate : Ms. K.Parveen

ORDER (ORAL)

The applicant has filed a Misc. Application No.154/2012 for condonation of delay in filing the present OA. Considered the Misc. Application, and in the interest of justice, the same is allowed.

52

2. In the present OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the impugned order dated 23.05.2008 (Ann.A/1) by which case of the applicant for appointment on compassionate grounds has been rejected by the respondent department and therefore, he has prayed for the following reliefs:-

- (i) That impugned order dt. 23.5.2008 (Annexure A-1) may be declared illegal and the same may be quashed. The respondents may be directed to reconsider the candidature of the applicant for compassionate appointment as per rules and allow all consequential benefits.
- (ii) That the respondents may be directed to produce the original proceedings in full of the Circle Relaxation Committee who considered the candidature of candidate.
- (iii) That any other direction, or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iv) That the costs of this application may be awarded.

2. Short facts of the case, as stated by the applicant, are that his father was employed as G.D.S. D.A./M.C. at Branch Office, Oda, S.O.-Phalasia, Distt. Udaipur and he died while in service on 1.6.2007. The family of the deceased employee is survived by his widow, two sons and three daughters. The mother of the applicant submitted an application alongwith requisite documents for consideration of appointment on compassionate grounds on 26.7.2007 (Ann.A/2) but the Circle Relaxation Committee has rejected the case of the applicant on the ground that the family is not found in indigent condition vide impugned order dated 23.5.2008 (Ann.A/1). The applicant has averred that the Committee has

taken into consideration the amount of Rs. 48000/- received by the family towards terminal benefits, the family having own house and earning of one member of the family of Rs. 18000/-p.a. for reaching to the conclusion that the family is not in indigent condition. The applicant has submitted all requisite documents demanded by the authorities and all these documents were before the Committee at the time of consideration of the case of the applicant for appointment, but the Committee has not considered all these authenticated documents issued by the competent authority and have taken into consideration the extraneous material and rejected the legitimate claim of the applicant. Therefore, aggrieved of rejection of the case of the applicant, the applicant has filed this OA praying for the reliefs as extracted above.

3. In reply to the OA, the respondents have submitted that the Circle Relaxation Committee observed that the father of the applicant expired on 1.6.2007 leaving behind his widow, two married sons aged 44 years and 37 years having their own family, therefore, the applicant cannot be said to be dependent on the deceased employee. The deceased employee did not leave liability of marriage of daughters, the family has got terminal benefits and owns house to live in. The Committee observed that two sons of the deceased GDS are major and they can assist the family by doing some job and after objective assessment of financial condition, the family was not found in indigent condition, hence the case of the applicant was rejected. The respondents have further submitted that the CRC

considered the case of the applicant for appointment on compassionate grounds as per the information furnished by the applicant in the prescribed synopsis under the provisions contained in DOP&T OM dated 9.10.1998. The instructions of the scheme stipulates that the appointment on compassionate ground is intended to provide immediate assistance to the family of a Government employee, who dies in harness, leaving his family in penury and without any means of livelihood to relive the family of the employee concerned from financial destitution and to help it to get over the emergency. The scheme is not intended to ensure that in each and every case, the member of the family of the deceased employee is employed and compassionate appointment cannot be granted after a lapse of a reasonable period as it is not a vested right which can be exercised at any time in future. Therefore, the OA is liable to be dismissed.

4. In rejoinder to the reply, while reiterating the averments made in the OA stated that the applicant is entitled to the relief.

5. Heard both the parties. Counsel for the applicant contended that there is no earning member in the family of the deceased servant and the family of the deceased Govt. servant is in indigent condition needing immediate help by way of employment and the candidature of the applicant has been rejected on the basis of wrong facts. Counsel for the applicant further contended that the Committee has taken the income of one member of the family, who is residing separately and not supporting the family financially.

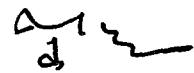
6. Per contra, counsel for the respondents contended that in the instant case there is no liability of marriage of daughter (s) or education of minor children and the family has its own house to live in and received terminal benefits to the tune of Rs. 48,000/-. One brother of the applicant is earning Rs. 18,000/- per annum and, therefore, condition of the family cannot be said to be indigent.

7. Considered the rival contentions of both the parties and perused the material available on record. In the instant case, the deceased employee expired on 1.6.2007 leaving behind his widow and two married sons aged 44 years and 37 years. There is no liability of marriage of daughter or education of minor children. The sons are major and they can assist the family. In these circumstances, if after objective assessment of the financial condition of the family, the CRC did not find the family in indigent condition, in our considered view, the same requires no interference by this Tribunal.

8. Accordingly, the OA being devoid of merit is dismissed with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C.JOSHI)
Judicial Member

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