

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 304/2013

Jodhpur, this the 18th day of December, 2014

CORAM

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

Prakash Kumawat s/o late Shri Jagdish Kumawat, age 28 years, by caste Kumawat, r/o Nai Sadak, Hanuman Bhakari, Jodhpur

.....Applicant

By Advocate: Mr. Rakesh Arora

Versus

1. Union of India through the Secretary to the Government, Ministry of Communication, Department of Post, Government of India, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur- 302 007.
3. The Post Master General, Rajasthan Western Region, Jodhpur

.....Respondents

By Advocate : Ms. K. Parveen

ORDER

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

In the present OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for the following reliefs:-

“In view of the facts and grounds mentioned above, the applicant most respectfully prays that this application may kindly be allowed and the impugned letter dated 15.10.2010 (Annexure- A/1) may kindly be quashed and set aside and the respondents may be directed to give appointment to the applicant on compassionate grounds commensurate to his qualification from the date of submission of his application form with all consequences benefits. “

2. Brief facts of the case are that father of the applicant late Shri Jagdish Kumawat died on 29.7.2009 while holding the post of Sorting Assistant. After his death,

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application for appointment of the applicant on compassionate grounds was submitted vide letter dated 22.4.2010. The applicant is in possession of qualification of Secondary School Examination and he has also submitted details regarding movable and immovable property owned by the family of the deceased employee. Vide letter dated 15.10.2010, the respondent No.2 informed the applicant that his case was considered by the Committee and the Committee did not find him to be most indigent in comparison to the cases approved against the three vacancies and hence the Committee did not recommend his case for appointment on compassionate grounds. Thereafter the applicant was under bonafide hope that as and when vacancies are available his case would be considered. However, he continued to submit representation on 21.12.2010, 13.3.2011, 11.10.2011, 2.2.2012, 7.12.2012 and 14.4.2013. When nothing was done, he sent a notice for demand of justice dated 15.6.2013 (Ann.A/8), but no reply has been given to the notice. Therefore, aggrieved of the action of the respondents, the applicant has filed this OA praying for the reliefs as mentioned above.

3. In reply to the OA, the respondents have submitted that the case of the applicant was put up before the Circle Relaxation Committee on 1.7.2010 and the Committee considered the case against three vacancies of Postman available for appointment on compassionate grounds for the year 2009 and rejected the case vide Circle Office, Jaipur letter dated 15.10.2010. Since financial condition of deceased's family, was not found to be most indigent in comparison to the cases approved against the available vacancies, hence the Committee did not recommend the case for appointment on compassionate grounds due to non-availability of more vacancies for the purpose. On receipt of representation submitted by the applicant, the Circle Relaxation Committee reconsidered the case on 4.5.2011 in the light of the instructions issued by the Department of Personnel and Training, New Delhi vide OM dated

9.10.1998, 5.5.2003 and Department of Posts, New Delhi letter dated 20.1.2010. It has been further submitted that as per qualification the applicant was eligible for the post of Postman as well as MTS (Group-D). There were 5 vacancies in the Postman Cadre and 4 in Group-D cadre available for the purpose of appointment on compassionate grounds for the year 2010 within the ceiling of 5% vacancies of direct recruitment quota. The Circle Relaxation Committee has adopted the yardstick based on hundred point scale of the various attributes to make comparative, balanced and objective assessment of financial condition of each case and after considering the family pension, terminal benefits, monthly income of the family, valuation of movable/immovable property, number of dependents, unmarried daughters, number of minor children and left over service of the employee. But after objective assessment of financial condition of the family and in view of the limited vacancy available, the Committee did not find the family in indigent condition and the decision was conveyed to the applicant vide CPMG Rajasthan Circle, Jaipur letter dated 21.6.2011. Therefore, the OA deserves to be dismissed.

4. The applicant has filed rejoinder to the reply reiterating the averments made in the OA and the respondents have also filed additional affidavit.

5. Heard both the parties. Counsel for the applicant contended that the applicant has been wrongly denied the compassionate appointment without informing the numbers/marks secured by him on each count i.e. on the count of amount of family pension, amount of terminal benefits and number of dependants upon the wife of the deceased employee. Counsel for the applicant further contended that although in reply and in Annexure-R/2 it has been mentioned that the applicant secured 52 marks, and he is not eligible for appointment on compassionate ground, but how the applicant secured 52 marks has not been mentioned specifically and the same has not been

informed to the applicant and further it has also not been informed to the applicant that what was his position vis-à-vis other candidates by showing the marks of the other eligible candidates and the applicant.

6. Counsel for the respondents submitted that applicant secured 52 marks which are less than the marks secured by the other meritorious candidates and, therefore, out of 5% vacancies the applicant could not get success in the appointment on compassionate grounds.

7. Looking to the entire facts and circumstances of the case, we intend to dispose of this OA with certain directions:-

- (i) The respondents are directed to inform the applicant about the marks obtained by him on each count and the marks obtained by the applicant vis-à-vis other selected candidates within three months from the date of receipt of a copy of this order.
- (ii) After receipt of the aforesaid information from the respondent department, if any grievance remains with the applicant he can then approach the appropriate forum.

8. Accordingly, the OA is disposed of as stated above with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

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