

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

OA No. 138/2013

Jodhpur this the 17th day of January, 2014.

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J)

Bhawani Shankar S/o late Shri Ganesha Ram Purohit, aged 32 years, R/o Vill. & P.O. Aamthala, Teh.- Abu Road, District-Sirohi.

His father was last employed in the office of Post Office, Aamthala via shantivan, District-Sirohi.

.....Applicant

(Through Advocate Mr D.S. Baghela)

Versus

1. The Union of India through Chief Post Master General, Rajasthan Circle, Jaipur.
2. Post Master General, Rajasthan Western Region, Jodhpur-342001.
3. Superintendent of Post Offices, Sirohi Division, Sirohi.

(Through Adv. Ms K. Parveen)

..... Respondents

ORDER (Oral)

By way of this OA, the applicant Shri Bhawani Shankar has challenged the legality of order Annex. A/1 dated 06.12.2012 by which the Circle Relaxation Committee (CRC) of the respondent-department rejected the claim of the applicant for appointment on compassionate grounds.

2

2. The short facts of the case, as averred by the applicant, are that father of the applicant late Shri Ganesha Ram Purohit was working on the post of Gramin Dak Sewak in the respondent-department and he died on 20.10.2011 while in service after serving for 30 years. He left behind his wife, two sons and two daughters. The elder son is living separately and daughters are married and the applicant is younger son of late Shri Ganesha Ram Purohit. After death of late Shri Ganesha Ram, his wife Smt. Sita Devi filed application for appointment of the applicant on compassionate grounds vide Annex. A/3 dated 11.01.2012 who is VIII class pass and the applicant also submitted the application for the same in the respondent-department. In pursuant to these applications, respondent-department asked the applicant to file requisite documents, which were filed by the applicant vide Annex. A/6 & A/7 respectively. The applicant has averred in the application that his family has 3575 sq. ft. of land worth Rs 5 lacs, in the name of his father and his family has received terminal benefit of Rs 1,17,000/-. The case of the applicant for appointment on compassionate ground was rejected by the respondent-department vide Annex. A/1. Aggrieved by the decision of the CRC of the respondent-department, the applicant has filed this OA praying for quashing the order Ann.A/1 and to consider his candidature for appointment on compassionate grounds in the respondent-department.

2. The respondent-department by way of reply averred that case of the applicant for engagement on compassionate ground was considered by the Circle Relaxation Committee (CRC) in its meeting held on 20/21.11.2012. The CRC considered the case of the applicant in pursuance to the Directorate latest guidelines on the subject, issued vide letter no. 17-17/2010-GDS dated 14.12.2010, 09.03.2012 and under its limit by adopting the yardstick based on 100 points scale of attributes fixed by the competent authority viz. No. of Dependents, Outstanding Liabilities for education/marriage of children, Left over service for discharge, Own Agriculture Land House, Family earning of the members of the family per month and discharge benefit etc. The CRC after making objective and comparative assessment of the financial condition and liabilities of the deceased family not recommended the case of the applicant for appointment on compassionate grounds, as the applicant secured only 28 points against the prescribed minimum 50 points.

3. The right of the applicant to file rejoinder has been closed as after providing sufficient opportunity he could not file the same till today.

4. Heard both the counsels.

5. Counsel for the applicant contended that the applicant has been denied the appointment on the count that the family has received an amount of Rs 1,55,000/- as terminal benefits, having own house, having income of Rs 3,000/- per month and having no liability like marriage and education, therefore, the family is not in indigent condition, but the amount of Rs 1,55,000/- cannot be said to be a sufficient amount and there is no monthly income of Rs 3,000/- and so far as property is concerned, that is not individual property as it has share of mother and brother of the applicant.

6. Per contra counsel for the respondents contended that the CRC after the objective assessment of the financial condition of the family did not find the case of the applicant as most hard and deserving in comparison to the other cases. Therefore, case of the applicant for appointment on compassionate ground has been rejected after consideration by CRC.

7. I have considered the rival contentions of both the parties and also perused the relevant record.

8. The appointments on compassionate grounds are not given in all cases where the Government servants die while in service. So far as indigent condition of the family is concerned, respondents have assessed the degree of indigence of the family on the basis of certain parameters and the case of the applicant was not found fit

on those parameters as he has only secured 28 points out of 100 against minimum requirement of 50 points for recommending the appointment on compassionate grounds by the CRC. Therefore, OA lacks merit.

9. Accordingly, the OA is dismissed with no order as to costs.



(JUSTICE K.C. JOSHI)
JUDICIAL MEMBER

SS