

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.84/2013

Jodhpur, this the 19th day of January, 2015

CORAM

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

Himmat Singh s/o Shri Shishu Pal Singh b/c Rajput, D.O.B. 19.2.1986 r/o Village Asalkheri, Tehsil and District – Churu, Father of the applicant who was Postman Grade-D employee posted in the office of Superintendent of Post Offices, Churu Division-Churu

.....Applicant

By Advocate: Mr. H.S.Sidhu

Versus

1. The Union of India through the Secretary, Ministry of Communication and Information Technology, New Delhi
2. Chief Post Master General, Rajasthan Circle, Jaipur-302007
3. Post Master General Rajasthan, Western Region, Jodhpur
4. Superintendent of Post, Churu Division, Churu.

.....Respondents

By Advocate : Ms. K.Parveen

ORDER (ORAL)

The present OA has been filed by the applicant challenging the order dated 20.3.2012 passed in pursuance to the intimation letter dated 14.3.2012 of CMPG, Rajasthan Circle, Jaipur whereby the applicant was denied appointment on compassionate grounds, therefore, the applicant has prayed that:-

- “(i) By an appropriate order or direction, the impugned order dated 20.3.2012 (Annex-A/I) passed by respondents as well as on the basis of which the said order has been made may also be quashed and set-aside.

5

- (ii) *By an appropriate order or direction, the respondents may kindly be directed to consider the case of the applicant for compassionate appointment with all consequential benefits.*
- (iii) *Any other order/relief/direction which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant.*
- (iv) *That the cost of this application may be awarded to the applicant."*

2. Brief facts of the case, as stated by the applicant are that father of the applicant while holding post of Postman Grade-D in the respondent department expired on 1.3.1992. At the time of death of deceased employee, the applicant was minor and mother of the applicant was illiterate, therefore, application for appointment on compassionate grounds was not submitted. After attaining age of majority, the applicant applied for appointment on compassionate grounds and mother of the applicant also moved application for appointment of the applicant. After receipt of application, the respondents sought certain information, which was given to the respondent authorities. But the applicant was denied appointment on the ground that the family is having his own house to live in, an annual income of the family is Rs.2500 p.a. and having agriculture un-command land measuring 5.5 bighas vide communication dated 21.10.2005. After receipt of this communication, the applicant filed review application through his mother in January, 2006 stating the liabilities and financial condition of the family, but the said review application is still pending and no response has been given to the applicant so far. The applicant challenged the order dated 21.10.2005 by filing OA No.243/2010 before this Tribunal which was disposed of with direction to reconsider the case of the applicant against the vacancies of the year 2011-2012 but if the vacancies for the year 2011 are settled then his case may be

considered for the vacancies of the year, 2012-2013. The applicant has stated that as per the compassionate appointment scheme the applicant was assessed by awarding him total 51 marks and he was not recommended by the Circle Relaxation Committee (CRC) for appointment, which is against the material available on record and if the assessment of the immovable property as well as monthly income was properly assessed certainly the applicant will get 55 or more points as the persons whom they have considered for appointment on compassionate grounds is having 55 points. Therefore, being aggrieved of the order dated 20.3.2012 (Ann.A/1) by which his case was reconsidered but rejected, the applicant has filed this OA, praying for the reliefs as extracted above.

3. By way of reply to the OA, the respondents have submitted that the CRC has considered the case of the applicant for appointment on compassionate grounds on 22.8.2005 in the light of the provisions and rules issued from time to time by the DoPT and after carrying out an objective and comparative assessment of the financial condition of the candidates approved for compassionate appoint, the family of the deceased employee was not found in indigent condition as compared to other candidates approved for appointment. The decision of the Committee was communicated to the applicant vide letter dated 21.10.2005. The objective and comparative assessment of the family conditions is always invariably observed and most deserving case is approved by the CRC, therefore, the applicant through this OA does not have any substance to make a right of appointment and referred a number of decisions of the Hon'ble Supreme Court and this Tribunal in this regard. The respondents have further submitted that the case of the applicant

has been considered by the CRC held on 12.3.2012 along with 44 cases against 11 vacancies earmarked for appointment on compassionate grounds for the year 2011. The CRC considered all the cases under its limits by adopting yardsticks based on 100 points scale and the various attributes fixed by the competent authority to make comparative balanced and objective assessment of financial condition of each case and recommended the most deserving cases based on merit to extent of available vacancies and decision of the CRC was communicated to the applicant vide SPOs letter dated 20.2.2012. Therefore, the applicant is not entitled to any relief.

4. Heard both the parties. Counsel for the applicant today filed the copy of the Minutes of Circle Relaxation Committee for consideration of Compassionate Appointment of dependents of the deceased departmental employees of Rajasthan Circle against the vacancies of the year 2012. It has been contended that the said meeting was held on 13.06.2013 and the name of the applicant has been recommended for compassionate appointment at serial No.6 of the said list of the selected persons for the post of Postal Assistant. The copy of said minutes of meeting may be kept on record.

5. In view of the fact that the respondents have already considered the candidature of the applicant and he has already been selected and recommended for applicant for appointment on the post of Postal Assistant in the Minutes of Circle Relaxation Committee for consideration of Compassionate Appointment of dependents of the deceased departmental employees of Rajasthan Circle against the vacancies of the year 2012, we are intending to dispose of this OA with certain directions.



- (i) The respondent department is directed to act upon as per the resolution of the meeting dated 13.06.2013 within two months from the date of receipt of a copy of this order.
- (ii) After decision of the respondents, if any grievance remains with the applicant he may approach the appropriate forum as per law.

6. 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

Rss

Copy recd
03/21/15
for K. Parveen
Sr. SGLL

Copy Received
9/21/15
Mahendra Kumar
for H.S. Sidhu