

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00167/2014

Reserved on: 02.03.2016

Jodhpur, this the 4th day of March, 2016

CORAM

Hon'ble Smt. Chameli Majumdar, Judicial Member

Hon'ble Smt. Meenakshi Hooja, Administrative Member

Champa Lal s/o Late Shri Radha Kishan Pareek by caste Brahmin, aged 30 years, Resident of Khatriyo ka bass, Chouhtan, District Barmer. His father was last working as M.O. Chauhtan Post Office.

.....Applicant

By Advocate: Mr. S.K.M.Vyas

Versus

1. Union of India through the Secretary, Ministry of Communication and Information Technology, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi- 110 016.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-302 007.
3. Assistant Post Master General (S&V), Chief Post Master General Office, Rajasthan Circle, Jaipur-302007.
4. Superintendent of Post Offices, Barmer Division, Barmer- 344 001.

.....Respondents

By Advocate : Mr. B.L.Bishnoi

ORDER

Per Smt. Meenakshi Hooja, AM

This OA has been filed by the applicant u/s 19 of the

(Ann.A/1) passed by the Office of the Chief Post Master General, Rajasthan Circle, Jaipur, Department of Posts whereby the application of the applicant for affording appointment on compassionate grounds has been rejected, and in the prayer clause, the applicant has therefore, sought the following reliefs:-

- a. The order dated 27.6.2013 (Annexure-A/1) passed by Assistant Post Master General (S&V) for Chief Post Master General, Rajasthan Circle, Jaipur (may kindly be respondents) may kindly be quashed and set aside.
- b. The respondents may kindly be directed to immediately consider the case of the applicant afresh and accordingly provide him appointment on compassionate ground.

Any other relief, which this Hon'ble Tribunal deems, fit and proper in favour of the applicant may kindly be granted.

2. When the matter came up for hearing, counsel for the applicant submitted that the father of the applicant, late Shri Radha Kishan Pareek, H.O. Barmer Division died in service on 04.11.2011 while working in the office of Chouhtan in the Department of Posts. Thereafter the applicant submitted an application as at Ann.A/3 for providing compassionate appointment in place of his father. Counsel for the applicant thereafter referred to Ann.A/5 communication dated 14th December, 2010 of the Department of Posts, which is the Scheme for Engagement of GDS on Compassionate Grounds-Merit Points and Procedure for – in which as per Para 7 (e) “period of consideration of deserving cases is prescribed as three years i.e. in case where it is not possible to offer engagement of GDS on compassionate grounds due to the application of prescribed ceiling, the case may be considered by

maximum". Counsel for the applicant contended that vide order dated 27.06.2013 (Ann.A/1) his case has been considered only once by the Circle Relaxation Committee (CRC, for short) which met on 13.06.2013 and further second and third consideration has not been given and his case deserves to be considered again.

Counsel for the applicant further submitted that even the first consideration and decision made vide letter dated 27.06.2013 (Ann.A/1) is not in accordance with the Scheme dated 21.01.2010 for Compassionate Appointment filed by the respondents at Ann.R/10. It has been mentioned in this communication dated 27.06.2013 (Ann.A/1) that the applicant whose case was considered along with 28 cases for seven vacancies (Postman-4, MTS-3) was not found comparatively indigent. It has been stated that the applicant secured 36 points and the last selected candidate secured 53 points in Postman cadre and 66 in MTS cadre. In this context, counsel for the applicant referred to Ann.R/3, filed by the respondents with the reply, which is letter dated 14.12.2012 vide which the Regional office, Jodhpur forwarded the case of the applicant to the Office of the Chief Post Master General and in this letter three dependents of the deceased employee have been shown, i.e. wife and two sons (including the applicant). However, as may be seen from Ann.R/9 filed by the respondents, (which is the chart showing details of points allotted against various attributes to cases of dependents of the deceased departmental employees, including that of the applicant, taken up for consideration of the

(page 92), the number of dependents has been shown as 'one' instead of 'three' and the applicant has been given 'five' marks only whereas clearly as per Ann.R/3 filed by the respondents themselves, they have shown total three dependents i.e. wife and two sons and the allotment of 5 marks is in violation of Ann.R/10, (which is the circular of the Department of Posts regarding Relative Merit Points and Procedure for Selection for compassionate appointment) and the applicant ought to have been given 10 more marks for the dependents i.e. total of 15 marks in the dependent category as there are 3 dependents. Thus, it shows that the calculation of points made by the respondents is erroneous and without application of mind. Counsel for the applicant thus submitted that his case has been considered only once and rejected without any valid reason and the points allotted are not as per the Scheme of the respondents themselves and, therefore, Ann.A/1 deserves to be set-aside and his case is required to be considered thrice in accordance with the Scheme of compassionate appointment as per para 7(e) of the communication dated 14.12.2010 at Ann.A/5, and prayed for the OA to be allowed.

3. Per contra, counsel for the respondents, reiterating the points raised in the reply, highlighted the fact that Ann.R/3 dated 14.12.2012 where dependents have been mentioned as three i.e. wife and two sons only brings out the facts as mentioned in the application of the applicant as per details and information given in the application and Part-II of the synopsis filed by the applicant as at Ann.R/6. This is not

Ann.R/9 (which are the minutes of CRC meeting held on 13.06.2013 for consideration against 2012 vacancies) correctly shows one dependent, because only the wife of the deceased employee is dependent and sons are married and major. The counsel for the respondents vehemently contended that the applicant does not fall in the category of dependents because at the time of applying for compassionate appointment, he was already 28 years of age and married (as admitted in the OA but stated to be unmarried in Ann.R/6 application). As per DOPT clarification dated 30.05.2013 regarding FAQs on compassionate appointment, forwarded by the office of the Chief Post Master General to all the authorities in the Department of Posts (Ann.R/7) in point No.13, a married son is not considered dependent on Government servant. The applicant was of 28 years of age at the time of applying for compassionate appointment and married, which is now not disputed. Therefore, the applicant cannot be treated as dependent. In this regard, counsel for the respondents also referred to the Scheme for Engagement of GDS on Compassionate Grounds dated 14th December, 2010 (Ann.A/5) in which in the beginning itself, it has been mentioned that the objective of the scheme for engagement of Gramin Dak Sevak (GDS, in short) on compassionate grounds is to engage dependent family member of a GDS dying in harness thereby leaving the family in penury and without adequate means of livelihood. In the comparative chart prepared by the CRC as at Ann.R/9, while considering the case of the applicant only one dependent i.e. widow of the deceased employee was correctly considered by the department and 5 marks

for the respondents also submitted that the case is required to be considered three times (as per Ann.A/5, Para 7(e) only if the applicant is deserving and is a dependent but these criterion are not met by the applicant. On these grounds, the counsel for the respondents submitted that the applicant has failed to make out any worthy case and there is no ground or justification for setting aside Ann.A/1 or granting any other relief sought for in the OA and accordingly, prayed for dismissal of the same.

4. Rebutting the arguments of the counsel for the respondents, the counsel for applicant submitted that vide order dated 27.06.2013 (Ann.A/1), the respondents have not mentioned anything about rejecting his case on the ground that the applicant was a married and major son and, therefore, not coming in the category of dependent and pleaded that the calculations of points assigned to him on various attributes including that of dependents are not correct, therefore, his case is required to be reconsidered and as per provision 7(e) of the Scheme as at Ann.A/5 it has to be considered three times and prayed that the OA may be allowed and relief sought for may be granted.

5. Considered the aforesaid contentions and perused the record. Admittedly, the father of the applicant died on 04.11.2011 while in service with the respondents. The applicant applied for appointment on compassionate grounds vide application Ann.R/1 dated 11.04.2012 (some parts of the application are also filed as Ann.A/3 by the applicant and the respondents have filed more complete details i.e.

as per the Scheme regarding engagement of GDS on compassionate grounds dated 14th December, 2010 (Ann.A/5) Para-7(e) prescribes consideration of deserving cases upto three years i.e. where it is not possible to offer engagement to GDS on compassionate grounds due to the application of prescribed ceiling, the case may be considered in the second CRC meeting and in the third CRC meeting of the next third year to the maximum. However, in the same scheme at the very outset in the first para, the objective of the scheme for engagement of GDS on compassionate appointment provides to engage dependent family member of a GDS dying in harness, thereby leaving his family in penury and without adequate means of livelihood. In the present case, it is seen that the applicant was admittedly 28 years of age (date of birth being 19.07.1984 as per Ann.A/3) at the time of filing application i.e. 11.04.2012 (as per Ann.R/1) for compassionate appointment. Regarding marriage, it is necessary to mention here that though in Para-4 of the OA the applicant has admitted to being married (marriage having been solemnized at an early age), but in the Part-II of the synopsis submitted by the applicant (filed as Ann.R/6, by the respondents with the reply), the applicant has shown himself to be unmarried, thus suppressing and concealing a very vital and relevant information and mis-informing the respondents. As per DOPT clarification at Sl. No.13 of FAQs regarding compassionate appointment dated 30.5.2013 (Ann.R/7), a married son is not considered dependent on a Government servant. Therefore, as per the clarification of the Scheme vide DOPT FAQs on Compassionate Appointment at Sl.No.13,

be considered as dependent of the deceased employee. Further, it is seen from Ann.R/9 (page 92) that 5 points have been given for one dependent under column (e) to the applicant which is in accordance with the Scheme for Compassionate Appointment – Relative Merit Points and Procedure for Selection (Ann.R/10). A married son cannot be considered as dependent as per Ann.R/7 and only dependent can be given appointment on compassionate appointment as is clearly stated in the Scheme as issued vide communication dated 14th December, 2010 Ann.A/5, filed by the applicant himself.

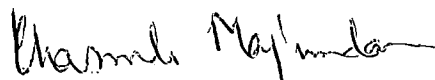
6. Counsel for the applicant has also contended that he has not been informed that his case has also been rejected because he was not a dependent, being a married son. However, as seen from Ann.R/6, at the time of filing the application with all details in the year 2012, the applicant had himself mentioned that he was unmarried, and only in the present OA at para-4, when he is challenging the order Ann.A/1 dated 27.06.2013 (passed after due consideration of his application submitted in 2012) he has admitted to being married at an early age and having 2 daughters. Therefore, as brought out by the respondents in their reply at Para-4.4 and Ann.R/6, the applicant concealed the fact of his marriage at the time of filing the application for compassionate appointment and quite obviously there was no occasion for the respondents to refer to the fact of his marriage in the order dated 27.06.2013 (Ann.A/1) and only in the OA the applicant has now referred to his early marriage. Thus, being a married son gives him no ~~least~~ right to compassionate appointment in view of the clear

30.05.2013 (Ann.R/7). Further, the calculation of points arrived at in Ann.R/9 i.e. allotment of 36 marks also appear to be in accordance with provisions of the Scheme dated 21.01.2016 as at Ann.R/10 (which is regarding Relative Merit Points and Procedure for Selection for Compassionate Appointment and provides for allocation of points on various attributes) and no convincing reasons have been given by the applicant to doubt the same.

7. Thus, the applicant has hopelessly failed to make out a convincing case, rather he has given wrong information to the respondents in his application for compassionate appointment regarding his marital status (as at Ann.R/6), and there appear no grounds or justification to set-aside Ann.A/1 or to give any other relief as prayed for in the OA. In view of above analysis, the OA is dismissed with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(CHAMELI MAJUMDAR)
Judicial Member

R/