

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 290/00248/2014

Jodhpur, this the 9th day of April, 2015

CORAM

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

Chandrapal Singh s/o Late Shri Raghuveer Singh, aged 31 years, resident of Village Gangaji Ka Khera, Tehsil Bheem, District Rajsamand.

.....Applicant
By Advocate: Mr. Khet Singh

Versus

1. Union of India through Secretary, Ministry of Communication and IT, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116
2. The Director (Staff), Department of Posts, Ministry of Communication and IT, Dak Bhawan, Sansad Marg, New Delhi- 110 116.
3. The Chief Postmaster General, Rajasthan Circle, Jaipur
4. The Deputy Superintendent of Postage, Udaipur Region, Udaipur.

.....Respondents

By Advocate : Ms. K.Parveen

ORDER (ORAL)

Per Justice K.C.Joshi

In the present OA, the applicant is aggrieved of the order dated 12.5.2014 (Ann.A/1) and prayed that by appropriate order or direction, the order dated 12.5.2014 may be quashed and set aside and the respondents be directed to consider the application of the applicant for compassionate

Postal Assistant in pursuance to the application dated 10.6.2013 with all consequential benefits.

2. Facts, in brief, are that the father of the applicant was serving on the post of Postal Assistant and while working on the said post he expired on 17.11.2012. After death of his father, the applicant submitted application on 10.6.2013 seeking appointment on the post of Postal Assistant within the stipulated time with all requisite documents. Mother and sister of the applicant also submitted applications stating that the applicant may be given appointment on compassionate grounds. The application of the applicant was forwarded through proper channel to respondent No.3 which remained pending till May, 2014 and vide letter dated 12.5.2014 (Ann.A/1) the applicant has been informed that he cannot be considered as dependent of Government servant as he is married son of the deceased employee. Therefore, aggrieved of the action of the respondents, the applicant has filed this OA.

3. By way of reply to the OA, the respondents have submitted that while considering the request for appointment on compassionate ground, a balance and objective assessment of financial condition of the family is to be made taking into account its assets and liabilities and all other relevant factors such as presence of an earning member, size of the family, age of children and the essential needs of the family etc. and while considering all aspects, it came to the notice that the applicant was married son of the deceased employee and according to DoP&T OM dated 30.5.2013 under

servant and accordingly the applicant was informed about his non-eligibility vide letter dated 12.5.2014, therefore, the action of the answering respondents is just and proper and based on the Rules and Regulations and the applicant is not entitled to any relief.

4. Heard learned counsel for both the parties. Counsel for the applicant contended that rules for compassionate appointment are framed only with the object to provide immediate relief to the family and there is no classification with regard to the fact that the persons seeking appointment is married or unmarried and the respondents ought to have considered the hardship of the family of the deceased employee.

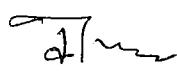
5. Per contra, counsel for the respondents contended that only deserving cases can be considered for appointment on compassionate grounds as per provisions made by the Government and as per clarification made in para 13 of the FAQ dated 30.5.2013, a married son is not considered as dependent on a Government servant and accordingly, the applicant is not entitled to be appointed on compassionate grounds.

6. Considered the rival contentions of the parties and perused the record. During the course of arguments, we noticed that vide DOPT's FAQ dated 25th February, 2015, it has been clarified that a married son can be considered for compassionate appointment if he otherwise fulfils all the other requirements of the scheme. It appears that the case of the applicant has been rejected by the respondent department only on the ground that the

basis of DoP&T OM 30th May, 2013 and not on the ground of indigent condition of the family of the deceased employee. Since the object of the scheme for compassionate appointment is to assist the family of the deceased employee who left the family in penury and without any means of livelihood, therefore, it will be in the interest of justice, if the respondent department reconsider the case of the applicant in view of the DoP&T clarification dated 25th February, 2015. So far as the provision in the clarification dated 25th February, 2015, that cases already settled w.r.t. the OM dated 30th May, 2013 may not be reopened is concerned, since the action of the respondents has been challenged in the present OA, therefore, the matter cannot be said to be settled.

7. Accordingly, the OA is disposed of with direction to the respondents to re- consider the case of the applicant for appointment on compassionate grounds in the light of the clarification dated 25th February, 2015 within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

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