

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.65/95

Tuesday, this the 13th day of February, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Premkumar BJ,
A.P.M.Administration,
Calicut Head Office,
Calicut-673 005.

- Applicant

None for applicant

Vs

1. Union of India represented by
the Secretary,
Ministry of Communication,
New Delhi.
2. The Chief Postmaster General,
Kerala Circle,
Trivandrum.
3. The Director General of Posts,
Dak Bhavan, New Delhi. - Respondents

By Advocate Mr TR Ramachandran Nair, Additional Central
Government Standing Counsel

The application having been heard on 13.2.96 the Tribunal
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN


Applicant who obtained a compassionate appointment as
a Postman, seeks a direction to appoint him as a 'Postal Assistant'.
He approached this Tribunal earlier in O.A.554/94 for the same
purpose and we directed respondents to consider a representation
to be made by him. They rejected the representation by A7, and
this brings applicant before us, once again.

2. Compassionate appointment is not a matter of right, but a matter of compassion, intended to help the family of a deceased employee to tide over the immediate crisis. Dependents of deceased employees cannot claim a post of their choice. It is well to remember that while extending compassion, one cannot overlook the fact that there may be others in more difficult circumstances, than the dependants of deceased employees. It must also be remembered, that equality of opportunity for employment under the State, guaranteed by Article 16 of the Constitution, cannot be unreasonably restricted.

3. In State of Madhya Pradesh and others Vs. Ramesh Kumar Sharma (AIR 1994 SC 845), the Supreme Court has held that the dependent of a deceased employee has no right to any particular post. In the instant case, applicant has accepted the post offered to him and he is estopped from asking for another or better post. The object of granting a compassionate appointment is not to insulate a person from competition and allow him to advance his career prospects, independent of the claims of others.

4. Original Application is without merit and we dismiss the same. No costs.

Dated, the 13th day of February, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexure

Annexure A-7: A copy of the letter No.Rectt./7-47/87
dtd. 9.11.1994 issued by the 2nd respondent.