

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 370 OF 2008

THURSDAY, this the 17th day of September, 2009.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

L. Sathy,
T.C. 36/1647, Sreevaraham,
Vallakadavu P.O.,
Thiruvananthapuram-8.

... **Applicant**

(By Advocate Mr. Arun Raj S.)

versus

1. Circle Relaxation Committee
rep. by the Senior Superintendent,
R.M.S. Trivandrum Division,
Thiruvananthapuram.
2. The Senior Superintendent,
O/o. Senior Superintendent,
R.M.S. Trivandrum Division.
3. Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
4. Director General (Postal),
Department of Posts, New Delhi.
5. Asst. Director (Rectt.),
Department of Posts, India,
Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
6. Union of India represented
by Secretary, Government of India,
Ministry of Communications,
New Delhi.

... **Respondents**

(By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC)

*The application having been heard on 06.08.2009, the Tribunal
on17-09-09..... delivered the following:*

ORDER**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

This is a case of compassionate appointment. The applicant is the wife of Late Sri. K. Sreenivasan who was functioning as Sorting Assistant in RMS, Trivandrum Division, Kerala Circle. In the wake of the death of said K. Sreenivasan, the applicant has preferred a representation for compassionate appointment under the dying in harness scheme. The respondents have rejected the claim stating that the Circle Relaxation Committee has not recommended the case. Representation before the Chief Post Master General did not yield any fruitful result. The rejection orders are contained in Annexure A8, A11 and A12.

2. The ground raised in the O.A. challenging the rejection of the respondents as per the case of the applicant revolves around the way in which the case of the applicant has been considered by the respondents. The applicant has got two daughters, a mentally retarded sister-in-law and an old mother-in-law.
3. Respondents have contested the O.A. According to them, the case of the applicant was considered by the Circle Relaxation Committee which did not, however, recommended the case of the applicant.
4. Counsel for the applicant submitted that no details have been furnished by the respondents, that more deserving case was considered and the appointment given. Counsel for the respondents stated that the Circle Relaxation Committee has dispassionately considered all the cases and recommended the most deserving cases only.

5. With a view to ascertain the manner in which the case of the applicant has been considered, comparative statement/analysis of the cases by the Circle Relaxation Committee was called for. The details of the applicant that were taken into consideration are as under :-

(a) Monthly family pension	- Rs.3,825/-
(b) Total terminal benefits	- Rs.2,04,850/-
(c) No. of dependents	- 05
(d) No. of unmarried daughters	- 02
(e) No. of minor children	- 02
(f) No. of earning members in the family	- NIL
(g) Annual income from other sources	- Rs.12,000/-
(h) Whether living in own house or rented house	- Own
(i) Details of landed property, if any	- 3 Cents

6. The above facts tally with the facts given in the O.A. except that the property indicated by the applicant is 2.5 cents while that recorded is 3 cents. Further, while the terminal benefits drawn tally with the amount indicated, the fact that certain outstanding loans were there and the net amount received by the applicant was only Rs.80,000/- are the additional facts reflected in the O.A. It is found from the comparative statement that the appointment recommended in respect of two cases have the following details :-

(A) Case I

(a) Monthly family pension	- NIL
(b) Total terminal benefits	- Rs.21,064/-
(c) No. of dependents	- 05
(d) No. of unmarried daughters	- 01
(e) No. of minor children	- NIL
(f) No. of earning members in the family	- NIL
(g) Annual income from other sources	- Rs.6,000/-
(h) Whether living in own house or rented house	- Own
(i) Details of landed property, if any	- 2.5 Cents

(B) Case II

(a) Monthly family pension	- Rs.1,540/-
(b) Total terminal benefits	- Rs.77,354/-
(c) No. of dependents	- 03
(d) No. of unmarried daughters	- 01
(e) No. of minor children	- 01
(f) No. of earning members in the family	- NIL
(g) Annual income from other sources	- NIL
(h) Whether living in own house or rented house	- Rented
(i) Details of landed property, if any	- NIL

7. In comparison of the above two cases with that of the applicant shows that the Circle Relaxation Committee has been fair in its assessment. In fact, in a number of other cases which were rejected, the financial position of such cases is worse than that of the applicant. As such the Tribunal is of the considered opinion that no legal lacuna could be located in the decision of the Circle Relaxation Committee. The application, therefore, has to be rejected being devoid of merit. Accordingly, it is ordered. No costs.

Dated, the 17th September, 2009.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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