

Central Administrative Tribunal,

Lucknow Bench, Lucknow

Original Application No. 315/2003

this the 18<sup>th</sup> day of July, 2003

HON'BLE MR. A.K. MISRA, AM

Rajendra Kumar aged about 32 years son of late Sri Babu Lal, resident of Village Rampur Grant, Post Office, Tandwa (Deorhi), District- Faizabad.

....Applicant

By Advocate: Sri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, UP Circle, Lucknow
3. Superintendent of Post Offices, Gonda Division, Gonda.

...Respondents

By advocate: Sri Sunil Sharma

ORDER

MR. A.K. MISRA, AM

The relief claimed in this O.A. is for quashing of the order dated 9.7.2002 whereby the applicant's claim for compassionate appointment was rejected. It is further prayed that the respondents be directed to give compassionate appointment to the applicant on a suitable post in the Department.

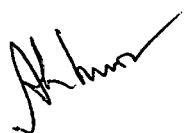
2. Pleadings on record have been perused and learned counsel for the parties have been heard.

3. The father of the applicant died in harness in 1998 after which ~~the~~ applicant made an application for compassionate appointment. The case of the applicant is that he was in receipt of certain amount as retiral dues and since he had crossed the age of 25 years when his father died, he was not in receipt of any sum by way of family pension. Further it was submitted that the entire retiral dues amounting to Rs. 5,71,612/- received by him were spent in the treatment of ~~illness~~ <sup>his ailing</sup> father who ultimately died and in the marriage of his

*AM*

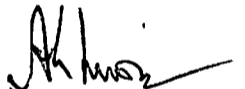
sister. Further it is submitted on behalf of the applicant that only 1.35 acres of agricultural land ~~which~~ is not sufficient to enable him and the other family members to make both ends meet. On behalf of the respondents, it was submitted that the application submitted by the applicant was examined by the respondents ~~and~~ by a speaking order dated 9th July, 2002. the claim of the applicant has been rejected. Since the claim of the applicant has been examined on merits and was not found admissible, it was submitted on behalf of the respondents that the O.A. deserves to be dismissed.

4. The factual position as stated above is not in dispute. By the impugned order dated 9th July, 2002, the claim of the applicant has been rejected mainly on the ground that the appointment on compassionate ground can be offered to the extent of 5 % quota of direct recruitment and hence the vacancies to be filled up out of appointments on compassionate ground are very limited. Further it is stated that the applicant and his family was financially better than some other candidates whose financial condition was much worse and who were offered compassionate appointment on the ground of poor financial condition. It is also stated that the applicant had also <sup>been</sup> granted a total sum of Rs. 5,71,612/- as terminal benefits accrued to his deceased father and in addition, the applicant was in possession of 1.35 acres of agricultural land besides a house of his own. Grant of terminal benefits to ~~the~~ the family of a deceased employee who dies in harness does not in any manner prejudice the claim for compassionate appointment and hence cannot be a ground for rejecting the claim for compassionate appointment as held by the Hon'ble Supreme court of India in the case of Babbir Singh Vs. Steel Authority of India, 2000, SCC (L&S) page 767.



5. The fact that the applicant was not in receipt of any amount as family pension cannot be ignored. Agricultural land of 1.35 acres can hardly be considered as sufficient to enable the applicant and his family members to make their both ends meet. In view of the foregoing, I dispose of this O.A. with the direction that the name of the applicant be kept on the waiting list of the candidates seeking compassionate appointment and priority to the applicant in this waiting list be accorded from the date he made an application for compassionate appointment. Further the applicant should be offered compassionate appointment on ~~the~~ a suitable post having regard to his educational qualifications as and when his turn comes in the waiting list. The impugned order dated 9.7.2002 and 5.7.2002 are accordingly quashed.

6. The O.A. is disposed of as above without any order as to costs.

  
MEMBER (A)

LUCKNOW:DATED: 18<sup>th</sup> July 2003

HLS/-