

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.587/2005
This the 29th day of November 2006

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Raj Kumar aged about 27 years S/o Sri Dharamraj, P.A.
Rasoolabad (Faizabad) R/o Village Paraspur, P.O. Dadera via
Darshan Nagar, Faizabad.

...Applicant.

By Advocate: Shri R.S. Gupta.

Versus.

1. Union of India through the Secretary Department of Post,
Lucknow.
2. Chief Postmaster General, U.P. Lucknow.
3. Senior Superintendent of Post Offices, Faizabad.

By Advocate: Shri K.K. Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J).

It is the ^{claim} ~~case~~ of the applicant to quash the impugned order dated 25.4.2005 (Annexure-1) under which his claim for compassionate appointment was rejected and further direction for his appointment according to his qualification with the following averments.

2. It is the case of the applicant that his father Late Dharamraj died on 24.3.2000 due to illness, while working as SPM, Rasoolabad in Faizabad Division, leaving behind his wife, 3 sons and 2 unmarried daughters, who are all depending on the income of the deceased.

Thereafter, he being the eldest son of the family made request for his appointment under Dying in Harness Rules on 02.01.2001 and their mother also requested ~~to~~² the respondents authorities for his appointment on the ground that they are not able to maintain their family with the meager family pension. After conducting the enquiry, when the matter was referred to the Circle Relaxation Committee, the IInd Respondent rejected the claim of the applicant on 25.04.2005 which is against the instructions of the department and such orders are illegal. Their family is owning a 1.3 Hectare of Agriculture land and getting meager family pension with which they are not able to maintain their family, hence filed the application for compassionate appointment. But the impugned order dated 25.04.2005 (Annexure-1) rejecting his claim is illegal and against the instructions of the department. Hence filed to quash such orders and give direction to the respondents for his appointment on any suitable post in the department.

3. The respondents have filed their Counter-Affidavit denying the claim of the applicant, stating that an amount of Rs.440594-00 has been paid to the family of the deceased employee as terminal benefits from the department and further, the family is getting family pension Rs.4030 + DAR per month. They are also owning own house and agriculture land 1.3 Hectare, on which they are getting Annual Income of Rs.24,000/- per annum. When the applicant made an application for his appointment on compassionate ground, it was rejected by the Circle Relaxation Committee basing on the existing circulars. They further stated that the rejection of the application of the applicant was

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made after careful consideration and also in a proper manner. Thus, opposed the claim of the applicant.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. Admittedly, the applicant who is eldest son of the deceased employee Late Dharamraj, made an application for his appointment on compassionate ground stating that their father left behind his 3 sons, 2 unmarried daughter and his widow and they were all depending on the earning of their father and after the death of their father they are facing very difficulty in maintaining their family and except the applicant, 2 other sons are also minor. They further contended that the meager income of family pension and income from agricultural land of 1.30 Hectare is not sufficient to maintain their family. But their main contention is that the respondents without considering all these financial conditions and their entitlement under the existing Circulars, simply rejected the representation without any reasons and as such the same is liable to be quashed.

7. Though, the respondents filed their Counter-Affidavit supporting their rejection, the recital of the impugned rejection order Annexure-1 does not furnish any of the details of the family and also disentitlement of the applicant for his appointment on compassionate ground. Admittedly, except the applicant all other children of the deceased are minor. Both the daughters are unmarried and widow of the deceased was also dependent on her husband. Except the family pension and small amount from agricultural land , they have no other source of income but non of their problems have been taken into note



by the Circle Relaxation Committee, which passed the impugned order Annexure-1. Further, the finding of the committee, the case of the applicant was not recommended for appointment by the Circle Relaxation Committee taking into account the requirements of the existing circulars is not at all sufficient to say that they have properly consider ~~and~~ the request of the applicant and pass ~~and~~ such orders. In view of the above circumstances, the impugned order is not at all a reasoned order and as such, it is liable to be quashed.

8. In the result, the claim of the applicant to quash the impugned order (Annexure-1) dated 25.4.2005, rejecting his claim for consideration of his application for appointment on compassionate ground is allowed with a direction to the respondents to reconsider the representation of the applicant for his appointment on compassionate ground and pass reasoned order as per the rules and regulations. No order as to costs.


(M. KANTHAIYAH)
MEMBER (J)

29.11.06

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