

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.144/2007
This the 19th day of December 2007

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

Vivek Kumar, aged about 26 years, son of late Munshi Lal,
resident of 4/76, Vikas Nagar, Lucknow.

...Applicant.

By Advocate: Shri Deepak Shukla.

Versus.

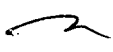
1. Union of India through Secretary, Department of Posts, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Chief Post Master General, G.P.O., Lucknow.
4. Circle Relaxation Committee through Chief Post Master General, U.P. Circle, Lucknow.

By Advocate: Shri S.K. Tewari.

ORDER

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

The applicant has filed this OA to quash the impugned rejection order Dt. 23.02.2007, for his appointment on compassionate ground and also for a direction to reconsider it for appointment on compassionate ground.

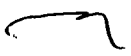
2. The respondents have filed Counter Affidavit denying the claim of the applicant stating that the impugned order has been issued in accordance with rules.
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3. The applicant has filed Rejoinder Affidavit reiterating his pleas in the OA and also denying the version of the respondents.

4. Heard both sides.

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

6. The admitted facts of the case are that the father of applicant late Munshi Lal, while working on the post of Postal Assistant in GPO, Lucknow died on 27.5.1992 leaving behind his wife, his son, who is the applicant herein. After the death of his father, his grand father filed regular case No.76/1992 for obtaining Secession certificate in which the mother of the applicant contested and the same was ended by dismissal on 6.12.1999. Thereafter, the mother of the applicant made representation to the Respondent No.3 claiming compassionate appointment to her son i.e. the applicant herein. Annexure-3 is the copy of said application. But because of some objections, the respondents called for further information and thus, it was pending with the respondents. When there was no response from the respondents inspite of reminders, the applicant filed O.A.No.504/2005 claiming directions to the respondents to consider for compassionate appointment of the applicant. During the pendency of the said OA, the respondents have passed rejection order dated 22.10.2005 due to which the applicant had withdrawn O.A.No.504/2005 and filed a fresh O.A.No.42/2006 which was allowed on 4.12.2006 with a direction to the respondents to reconsider the representation of the applicant and pass reasoned order as per rules and instructions within a period of 4 months from the date of receipt of the copy of this order. Annexure-9 is the copy of said order

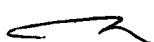


in O.A.No.42/2006 and dated 4.12.2006. In pursuance of the said directions , the respondents have reconsidered the claim of the applicant for appointment on compassionate ground and issued rejection order (Annexure-1), which is under challenge in this OA.

7. The applicant challenged the impugned order (Annexure-1) dated 23.2.2007 mainly on the ground that the same is illegal, unfair, arbitrary and discriminatory. The respondents have filed their Counter Affidavit stating that they have passed the impugned order in accordance with the rules and it is neither illegal nor arbitrary.

8. The respondents have rejected the claim of the applicant on the ground that the family of the applicant is not in indigent condition and the other ground that the applicant made the claim after lapse of more than 15 years whereas the scheme for compassionate appointment is meant for providing immediate relief for indigent family members to get over the emergency because of death of the sole bread winner.

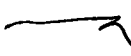
9. In respect of first objection that the family of the deceased had received an amount of Rs. 54,991/- as terminal benefits and also getting family pension of Rs. 1275 + DA per month and they are owning own house, the applicant admitted receipt Rs. 54,991/- as terminal benefits but at the instance of respondents they deposited Rs. 46,205/- towards the repayment of HBA taken by his father. Thus, they received a nominal amount below Rs. 10,000/- as terminal benefits. While considering the claim of the applicant for his appointment on compassionate ground, receiving of such nominal amount of Rs. 10,000/- after deductions is not at all a justified ground to reject the claim of the applicant for compassionate appointment.



Similarly, receiving of family pension of Rs. 1275/- + DA is also not a sufficient amount to maintain the family and as such the rejection of the claim of the applicant for compassionate appointment on the said grounds of receiving terminal benefits and also family pension is not a justified ground.

10. Coming to the second objection, which is in respect of submitting representation or application by the applicant for appointment after more than 15 years after the death of his deceased father, the Learned counsel for the applicant stated that because of pendency of civil litigation in respect of retrial benefits of his father and also that the applicant was minor at that time. The Learned counsel for the respondents have argued that the purpose of the scheme for providing compassionate appointment is to help the family who are in indigent condition and who requires immediate assistances for relief from financial destitution, due to the sudden death of sole bread winner and not for the family members who are not in immediate need.


11. No doubt the scheme for appointment on compassionate ground is for the family members of the deceased, who are in indigent condition, to get immediate relief from financial destitution. Further such appointment is not a vested right which can be exercised at any time in future. As such, the claim of the applicant who approached the respondents authorities, claiming compassionate appointment, after a lapse of ^{more than 10} ~~15~~ years it self shows that the family was not in indigent condition, immediately after the death of his father any in such circumstances allowing the claim of the applicant is not at all maintainable. Thus the rejection on the ground of belated



claim for compassionate appointment is a reasoned and justified one. In view of the above circumstances, there are no justified grounds to interfere with the impugned rejection order covered under Annexure-1 Dt. 23.02.2007 issued by the respondents.

12. Thus there are no merits in the claim of the applicant as such, the application is liable for dismissal.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)
19.12.02

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