

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 62/2008

This, the 16th day of September, 2008.

Hon'ble Shri M. Kanthaiah, Member (J)

Durgesh Kumar aged about 28 years son of late Sri Ghanshyam P.A, Postal Department r/o Ghatampur, P.O. Bhimatale (Milkipur) District- Faizabad.

Applicant.

By Advocate: Shri R.S.Gupta

Versus

1. Union of India, through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Senior Superintendent of Post Offices, Faizabad.

Respondents.

By Advocate: Shri K.K.Shukla for Dr. Neelam Shukla.

ORDER

By Hon'ble Shri M. Kanthaiah, Member (J)

The applicant has filed Original Application to quash the order dated 22.2.2007 (Annexure A-1) and direct the respondents to reconsider the case of the applicant for appointment on compassionate ground on the following grounds:-

- i) Father of the applicant died in harness leaving behind three unmarried daughters and three sons
- ii) The retiral benefits and family pension are not sufficient to meet the liabilities of the family.
- iii) In similar cases, this Tribunal directed to reconsider the claims of the applicant for compassionate appointment.

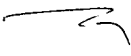
2. The respondents have filed counter affidavit denying the claim of the applicant stating that the authorities have considered the claim of the applicant and passed orders with reasons and as such O.A. is not maintainable.

3. The applicant has filed Rejoinder Reply, denying the stand taken by the respondents and also reiterate pleas taken in the Original Application.

4. Heard both sides.

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

6. The admitted facts of the case are that the father of the applicant late Ghanshyam died, while working as Postal Assistant on 21.10.97 leaving behind his wife, three daughters and three sons. Mother of the applicant made application for appointment of the applicant under dying in harness rules in 1997 (Annexure A-3) and subsequently they also submitted other documents as required by the authorities. The case of the applicant was considered on attaining the age of majority by the Circle Relaxation Committee (CRC) in its meeting held in the month of January, 2004 in which they did not recommend the name of the applicant for appointment. Aggrieved by the same. The applicant filed O.A. No. 350/04 before this Tribunal and the same was disposed of on 14th March, 2006 with a direction to reconsider the request of the applicant for compassionate appointment in accordance with rules and instructions within a period of 3 months from the date of receipt of copy of this order. In compliance of the orders of the Tribunal, the case of the applicant was reconsidered by the CRC in its meeting held on January 2007 on receipt of vacancies after clearance from the screening Committee and



allocation of vacancies in various quotas. The CRC after taking note of the terminal benefits, family pension, agricultural land and own house of the family of the applicant, they stated that their family cannot be treated as indigent. They also further stated that after lapse of more than 9 years, providing immediate assistance for relief from financial destitution to get over the emergency which is the object of the scheme does not appear in the case of the applicant. They also further stated that as per the advise dated 7.7.2000 from DOP&T, fresh cases should be given preference over the past cases so as to help the family which is indigent and deserves immediate relief from financial destitution to get over the emergency and by taking all those factors, the CRC did not recommend the name of the applicant for appointment on compassionate ground due to limited number of vacancies.

7. It is the main case of the applicant that the deceased employee died leaving behind three daughters and three sons who are unmarried and as such mere receipt of terminal benefits of Rs. , 3,46,459/- and family pension and meager agricultural land are not at all sufficient in maintaining the large family and to meet their liabilities and on such ground, he sought interference of this Tribunal. In support of his claim, the applicant relied on the following decisions of High Court Lucknow Bench Writ Petition No. 265/2006 (SB) Ravi Shankar Shukla Vs. UOI and others. Though the respondents have considered in respect of terminal benefits received by the family and other aspects, they have not taken into account the liabilities of the family, more particularly in respect of three unmarried daughters and also unemployment of three sons, no earning member is there in the family and admittedly which also require consideration in deciding the indigent condition of the family. Thus without taking the main issue in respect of liabilities of the family, coming to any conclusion is not at all reasonable and as such the

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impugned rejection order dated 22.2.2007 (Ann.1) is liable to be quashed.

8. In the result, O.A. is allowed and impugned rejection order dated 22.2.2007 (Ann.1) is quashed, with a direction to the respondents to reconsider the claim of the applicant for his appointment on compassionate ground ^{Article 32-A} Parties to bear their own costs.

HLS/-

(M. KANTHAIAH)
MEMBER (J)

16.09.08