

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCNOW BENCH LUCKNOW

ORIGINAL APPLICATION No.511/2005

Lucknow this, the 3rd day of August, 2006.

HON'BLE SHRI. M. KANTHAIAH, MEMBER(J)

Pawan Kumar Singh aged about 34 years S/o Late Sri Hari Shanker Singh, Postman Kichhaucha District Ambedkar Nagar Faizabad Division R/o Village Balaipur P.O. Balaipur (Mittupur) District Azamgarh.

Applicant.

By Advocate Shri R.S. Gupta.

VERSUS

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

Respondents.

By Advocate Shri S.P. Singh for Shri S. K. Singh.

ORDER

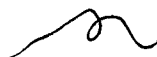
By Hon'ble Shri M.Kanthaiah Member (J)

This original application filed by the applicant to quash the order dated 25.4.2005 rejecting the claim of the applicant for compassionate appointment under dying in harness rule and also direct the respondents to reconsider the case of the applicant with the following averments.

2. The father of the applicant late Shri Hari Shankar Singh while working as Postman Ambedkar Nagar Faizabad Division died on 3.5.2003 at the age of about 56 years after serving the department for more than 25 years, due to a prolonged illness

leaving behind him his elder son Vijai Kumar Singh, aged about 35 years, daughter Manju Singh aged about 27 years and his wife Smt. Sharda Devi aged about 55 years. He further stated that he is not having proper source of income from anywhere and meager agricultural land also not sufficient to maintain the family. Similarly, family pension amounting to Rs. 2200/- + D.A.R. is also not sufficient to meet out the day to day expenses of the family and thus he made an application for appointment of the applicant under dying in harness rule . The same was rejected without speaking order and hence he filed this application to consider his request for taking into account of his family position and earning capacities.

3. The respondents filed counter affidavit stating that the limit of 5% of direct recruitment vacancies are fixed on compassionate appointment and while considering the request on compassionate appointment it should be taken into consideration the position, regarding availability of the vacancies and also deserving cases and only if the vacancy meant for appointment on compassionate ground will be available within the period of one year in the 5% of direct recruitment vacancies. The applicant's father late Shri Hari Shanker Singh died on 3.5.2003 while he was in service leaving behind his widow two major sons and on unmarried daughter. The amount of Rs. 3,49,230/- had been paid to the family of the deceased employee as terminal benefit from the department. Besides the family of Ex-employee is also granted family pension @ 1,940 + DAR and he further stated that the family of the deceased is living in own house and possesses an agricultural land having annual income of Rs. 1200/- per month besides two other earning members in their family. After considering the request of the




applicant, the Circle Relaxation Committee rejected the request of the applicant for compassionate appointment and thus the petition is not maintainable and is liable to be dismissed.

4. The applicant filed rejoinder affidavit stating that the amount is received as retiarl dues was spent in the treatment of the ailing father Sri Hari Shanker Singh who died in S.G.P.G.I. Lucknow. The meager amount of family pension is not sufficient for day today expenses and thus stated that he is deserving for appointment on compassionate ground.

5. Heard both side.

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


7. The admitted facts of the case are that the father of the applicant late Shri Hari Shanker Singh died on 3.5.2003 while in service due to prolonged illness, leaving behind him his widow Smt. Sharda Devi, two sons aged about 35 and 34 years and one daughter aged about 27 years. It is also not in dispute that considerable retiral benefits were also received by the applicant's family and they also own house and agricultural land. Besides this, they are getting family pension of about Rs. 2500/- . The applicant who is the second son of the deceased Hari Shanker Singh made an application for his appointment on compassionate ground and the same was rejected by the second respondent stating that the application of the applicant was not recommended for appointment by the Circle Relaxation Committee taking into account the inter-se merit of all the cases in terms of assets and liabilities and indigence of the families like total number of



dependents, minor children, marriage of daughters, responsibility of aged parents, prolonged and major ailments, financial conditions and other relevant factors and the same was informed to the applicant. Against the said order, the applicant filed the present application stating that the impugned order is not speaking order and also the request for appointment on compassionate ground be reconsidered.

8. From the recital of Annexure A-1, it is clear that the Circle Relaxation Committee taking into account of inter-se merit of all the cases in terms of assets and liabilities and indigence of the families like total number of dependents, minor children, marriage of daughters, responsibility of aged parents, prolonged and major ailments, financial conditions and other relevant factors, they have not recommended the name of the applicant for compassionate appointment. When there is such orders again asking the respondents to reconsider the request of the applicant is not at all justified and no purpose will be served by referring the representation of the applicant for reconsideration. The order covered under Ex. A-1 clearly shows reasons for not considering the name of the applicant after taking into consideration of his request and also the requests of other similar claims. When there is such reasoned orders, again asking the respondents to reconsider such request of the applicant for his appointment is not maintainable and as such there is no justified ground to allow the claim of the applicant.

9. In view of the above circumstances, original application is dismissed without any order as to costs.


(M. KANTHAIYAH)
MEMBER(J) 3.8.06