

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. No. 182/2006

Date of order : 02.01.2009

C O R A M
Hon'ble Ms. Sadhna Srivastava, Member[J]

1. Yogendra Choudhary, resident of village- Shokahara, P.S.- Phulwaria, P.O.- Bauaurni, Distt.- Begusarai.
2. Rajesh Kumar, son of Yogendra Choudhary, resident of village- Shokahara, P.S.- Phulwaria, P.O.- Bauaurni, Distt.- Begusarai.

..... Applicant.

By Advocate : - Shri R.K. Bariar.

Vs.

1. The Union of India through Director General, Department of Post, New Delhi.
2. The Chief Post Master General, Bihar Circle, G.P.O. Complex, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Begusarai Division, Begusarai.

..... Respondents.

By Advocate : Shri S.K. Tiwary

ORDER
[ORAL]

Sadhna Srivastava, Member[J] :- The subject matter is compassionate appointment. The facts in nutshell are that the father of applicant no. 2 while working as Postal Assistant, Begusarai retired from service on medical grounds w.e.f. 25.05.2000. He submitted an application for appointment on compassionate ground to his elder son, namely, Rajesh Kumar (Applicant no. 2) . Admittedly, the applicant no. 1 is having 4 sons, one unmarried daughter and wife. On retirement, the applicant no. 1 has received Rs. 1,82,412/- as retiral dues and he has been getting Rs. 3294/- + DA as monthly pension. The case of the applicant no. 2 was considered by the Circle Relaxation Committee for appointment on compassionate ground in the year 2001 and was rejected on 21.08.2001. The same was communicated to the applicant vide letter



dated 31.08.2001 (Annexure A/3). Therefore, this OA.

3. The applicant has challenged the aforesaid impugned order on the ground that the order is non speaking, illegal, arbitrary and against the principles of natural justice.

4. The object of the scheme is to grant appointment on compassionate ground to a dependent family member of a Government servant dying in harness or who has retired on medical ground, thereby leaving the family in penury and without any means of livelihood to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. Such appointments are also required to be limited up to 5% of the vacancies available for direct recruitment quota of the year. Moreover, the guidelines of the scheme require assessment of the financial condition of the applicant for such appointment as it is clearly laid down by the apex Court that offering compassionate appointment ^{is} ~~as~~ a matter of course irrespective of financial condition of the concerned family is legally impermissible. It is also observed by the apex Court that the compassionate appointment cannot be granted after a lapse of a reasonable time and it is not a vested right which can be exercised at any time in future. The apex Court has also held that compassionate appointment can be made only if the vacancy is available for the purpose. In the instant case, the family has received all admissible retiral benefits and all the sons are major who can earn their livelihood to support their family. The ^{basis} ~~purpose~~ of compassionate appointment scheme is to help the family, which is indigent and deserves immediate assistance for relief from financial destitution to get over the emergency. The family does not appear to be in an indigent condition. The case is not covered by the guidelines governing compassionate appointment and hence rejected.



[Sadhna Srivastava]/M[J]

srk.

OA 182/06
M.R. - 180/06

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

Diary No.

REPORT OF THE SCRUTINY OF APPLICATION

Presented by Smt. S. K. Rani Date of presentation ... 28.11.05
Applicant (s) Smt. Yogenra Chandery vs
Respondent (s) Uttam J. Dodiya
Nature of Grievance Complaint
No. of Applicant Two No. of Respondents One

CLASSIFICATION

Subject Complaint Department Postal

1. Is the application in the proper form ?
(Whether complete sets in proper book form in the computations)
2. Whether name, description and address of all the parties been furnished in the cause titles ?
3. (A) Has the application been duly signed ?
(B) Have the copies been duly signed ?
(C) Have the sufficient number of copies of the application been filed ?
4. Whether all the necessary parties are impleaded ?
5. Whether English translation or documents in language other language, other than English or Hindi been filed ?
6. Is the application in time ? (See Section 21). Ans.
7. Has the Vakalatnama/Memo of appearance/ authorisation been filed ?
8. Is the application maintainable ?
(U/s 2, 14, 18 or U/R 8 etc.)
9. Is the application accompanied by any IPO/DB for Rs.50/- ?
10. Has the impugned order original/duly attested legible copy been filed ?
11. Have legible copies of the Annexure duly attested been filed ?
12. Has the Index of documents been filed and page indication done properly ?
13. Has the application exhausted all available remedies ?
14. Has the declaration as required by item 7 of form (I) been made ?
- 15.

P.T.O.