

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No.443 of 2006

Date of order : 20 July, 2007

C O R A M

Hon'ble Mr. Amit Kushari, Member [Admn.]

1. Ram Surat Prasad son of late Raghunath Prasad retired Postal Assistant Ekma S.O. District Saran.

2. Rajesh Kumar Prasad son of Ram Surat Prasad. Both resident of Village Narphani, PO Harpur Via Ekma P.S. Ekma District Saran.

Applicants.

Vrs.

1. The Union of India, Secretary Govt. of India, Department of Posts New Delhi - 1.

C u m

The Director General, Department of Posts, India Dak Bhawan, New Delhi -1.

2. The Chief Postmaster General, Bihar Circle, Patna -1.

3. The Postmaster General, Northern Region, Muzaffarpur.

4. Senior Superintendent of Post Offices, Saran Division, Chapra.

Respondents.

Counsel for the applicant : Shri S.K.Tiwari

Counsel for the respondents : Shri R.K.Choubey, ASC

ORDER

Amit Kushari, Member [Admn.] : -

Shri S.K.Tiwari, ld. counsel argued on behalf of the applicants and Shri R.K. Choubey, ld. ASC argued on behalf of the official respondents [Department of Posts]. Their arguments were heard and pleadings were perused carefully.

2. The facts of the case are as follows :-

The applicant worked as a Postal Clerk in Bhagalpur and Chapra Division for 38 years and at the age of 57 years 2 months retired on medical grounds since his vision had become low. He retired on 31.5.2001 and received DCRG of Rs. 1.71 lacs. He is getting pension of Rs. 5000/- per month. His wife died shortly after retirement and since she died of cancer, the applicant no.1 had to spend a huge amount of money on her treatment which was met mainly from the DCRG. The applicant no.1 has a large family consisting of six sons and three daughters. One of the daughters is still unmarried and the youngest son is a minor [15 years old]. The applicant no.2 is the second son of the applicant no.1. He is 32 years old and is supposed to be unemployed. This O.A. is for compassionate appointment of applicant no.2. The eldest son who is 42 years old, is not an applicant for compassionate appointment. The reasons are not very clear as to why he

Am

has not applied for compassionate appointment. It can be presumed that he has his own livelihood in some non governmental job or in some business. Shri S.K.Tiwari, ld. counsel for the applicant could not through any light on the occupation of the eldest son although as per this O.A., he is supposed to be "unemployed" which cannot be easily believed.

3. The applicant no.2 who is 32 years old also must be having his own means of livelihood. Since he is also a married man with children, if he has no means of livelihood – how could he marry and beget children. The compassionate appointment of the applicant no.2, Rejesh Kumar Prasad was considered by the Department of Posts and they collected all the relevant documents from the applicant and the matter was ultimately looked into by the Senior Superintendent of Post Offices, Saran Division, Chapra. After enquiry, the Chief Post Master General, Bihar Circle, Patna received the file of this case but he did not agree to offer compassionate appointment to the applicant no.2 – at least not so far. The applicant has not annexed with this application copies of the refusal order of the Chief Post Master General. However, since more than six years have passed after retirement of the applicant no.1, it can be safely presumed that the Chief Postmaster General had not agreed to appoint the applicant no.2.

4. Shri R.K.Choubey, ld. counsel for the respondents drew my attention



to the written statement filed on behalf of the respondents in which it has been stated that if a person becomes invalid and takes retirement then request for compassionate appointment of son or daughter can be considered only if the person retires before the age of 55 years. In this case, the applicant no.1 retired at the age of 57 years 2 months and, therefore, as per DOP & T's Memo No. 14014/6/94-Estt. [D] dated 9.10.1998, the applicant is not eligible to make any request for compassionate appointment. The written statement, mentions that the department's inability to appoint the applicant's second son was communicated to him by the Superintendent of Post Offices on 13.9.2006. The applicants, however, have not annexed any copy of this letter with the O.A.

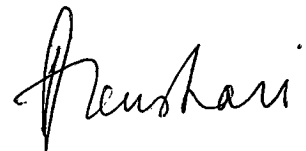
5. Shri Choubey, Id. ASC pointed out that at the time of retirement, the applicant no.1 had received a PLI amount of Rs.44580/-, GPF amount of Rs. 31,157/- and leave encashment of Rs. 4458/- in addition to DCRG of Rs.1,71,072/-. He is also receiving monthly pension of Rs. 5469.00. In view of this, Shri R.K.Chouey argued that the applicant should not be living in dire poverty as ^{he} has claimed in the O.A.

6. I have considered all the facts and arguments of this case. The applicant does not seem to be eligible for making a request for compassionate appointment since his invalidity retirement took place after

pu

he was 55 years old. If the rules do not permit such a compassionate appointment then the Department of Posts obviously could not have made any compassionate appointment. His assertion that he has no other source of income, also cannot be believed because he has made no request for his 42 year old son who lives with him. This son must be having sufficient income to help his father. His 32 year old son [applicant no.2] also could be having some means of livelihood – otherwise he could not have married and raised a family of his own. If the applicant is poor because of his huge size of the family, he is himself to be blamed for that and he cannot demand compassion from the Govt. for his own mistakes.

7. I do not find any merit in this O.A. and, accordingly, the same is not allowed. No costs.



[Amit Kushari]
Member [Admn.]

mps.