

CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA

OA 529 of 2005

Patna, dated the 19<sup>th</sup> May, 2006

CORAM: The Hon'ble Mr.S.N.P.N.Sinha, M[A]

1. Shanti Devi, wife of Late Nand Kishore Sharma, Mohalla Dhelwa, P.O Dhelwa, district Patna.
2. Navin Kumar, son of late Nand Kishore Sharma, Mohalla Dhelwa, PO Dhelwa, District Patna, at present both the applicants residing in the house of Janak Prasd, North Tarkeshwar Path, Near Ideal Chandra School, Kankarbagh, Patna.

..  
Applicants

By Advocate: Shri S.K.Bariar

versus

1. The Union of India through Director General, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster, Bihar Circle, GPO Complex, Patna.
3. The Director of Accounts[Postal] Exhibition Road, Patna.
4. The Assistant Accounts Officer [Admn], Exhibition Road, Patna.

..  
Respondents

By Advocate: Shri B.N. Gupta.

O R D E R

S.N.P.N.Sinha, Member[A]:

This application has been filed for direction to the respondents for

compassionate appointment. The applicants are wife and younger son of Late Nand Kishore Sharma, an Accountant under GPO, Patna, who died in harness.. The eldest son is said to have petitioned the Director of Accounts [Postal] for appointment of his younger brother on compassionate grounds. The petition was considered by the Director of Accounts[Postal] and rejected. This was communicated to the applicant on 18. 9.2001. It was said on the respondents behalf that the family got Rs. 3.39 lakhs as terminal benefits after the death of Shri Nand Kishore Sharma and was getting Rs.3100/- as monthly pension. So, the Department did not consider the applicant deserving compassionate appointment in comparison to other cases. It has been said on the applicants behalf that the rejection, as communicated to the applicant, is vague and does not give any reason.. It is also being said that this Tribunal has in OA 202/2003 held that mere payment of pension should not come in the way of dependents to be considered for appointment on compassionate grounds and the Tribunal was pleased to direct the respondents in that case to consider the applicants for such appointment.

2. From the pleadings made on behalf of the two sides, it appears that in the present case, the death of Late Nand Kishore Sharma took place on 27.9.1999. The decision of the Department, as communicated to the applicant, was dated 18.9.2001. It has been said in the photo copy of the declaration submitted here that the eldest son and the two daughters are married and the elder son lives separately and does not support the family. The application was made on behalf of the younger son.. The pleadings on behalf of the respondents makes a mention of the pension, gratuity and other retiral benefits which have been sanctioned. It has also been said that as held by the Apex Court in the State of Manipur vs. Md. Rajodin appointment on compassionate ground has to be made in accordance with rule and regulation taking into consideration the financial condition of the family. Such an appointment cannot be claimed as a matter of right. The case of Umesh Kumar Nagpal vs. State of Haryana [1994 [IV] SCC 130] was also cited. It appears that the Department has considered the case of

the applicant, and as made out in the pleadings before the Tribunal, rejected the claim for appointment on the grounds mentioned in the written statement. There appears to be no reason for interference in this case.

3. The application is disposed of as such at the stage of admission itself. There shall be no order as to costs.



[S.N.P.N.Sinh]  
Member[A]

cm