

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 664 of 2005

Date of order : 27.01.2006

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

1. Pappu Kumar Rajak, S/o Late Krishna Mohan Baitha, Ex-post Master , Banka at + P.O. Kakbara, P.S. Banka.

....Applicant

By Advocate : Shri Rajeev Ranjan

Vs.

1. The Union of India through the Post Master General, Bihar, Patna.
2. The Superintendent of Post Offices, Bhagalpur Division, Bhagalpur.
3. The Circle Relaxation Committee, Bhagalpur Division, Bhagalpur.

....Respondents

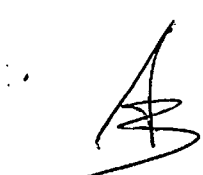
By Advocate : Shri Amresh Kumar Mishra

O R D E R (Oral)

By Sadhna Srivastava, M (J):-

By this case, the applicant has sought quashing of the order dated 19.4.2005 (Annexure A/3) by which he was informed that the Circle Relaxation Committee headed by the Chief Post Master General, Bihar circle, Patna has considered the case for appointment on compassionate ground but was not found fit for such appointment.

2. It is submitted by the applicant that the applicant's



father , while working as Postmaster , Banka , died in harness on 2.2.2000, leaving behind three major sons and two married daughters. The youngest son of the deceased employee, Pappu Kumar Rajjak (applicant No. 1) filed an application for appointment on compassionate ground. It is alleged in the OA that they were living in pitiable conditions, after the death of their father.

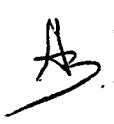
3. The grievance of the applicant is that the respondents have rejected their claim without applying their mind to the fact that the family of the deceased employee did not have any other sources of income and they were wholly dependent on the deceased employee. The eldest son is already in job, but he is living separately with his family. Two sons are still unemployed.

I have heard the learned counsel for the parties. The law on compassionate appointment is well settled by now by the Hon'ble Supreme Court, and that the compassionate appointment cannot be sought as a matter of right or as a line of succession. In fact, Government of India has issued an instruction to all the departments to consider the cases of those persons who seeks compassionate appointment , and in case it is found that the family of the deceased employee is in a total destitute condition and are financially distressed and



they need immediate assistance to tide over the crisis left behind by sudden death of the employee, only in such circumstances, compassionate appointment can be granted, that too subject to the ceiling of 5 % vacancies in direct recruitment quota. In the instance case, the respondents have already considered the case of the applicant, and they have stated that their case was not fit for compassionate appointment, because before the department, there are a number of cases seeking compassionate appointment. Therefore, they have to see the relative condition of all the candidates. In the present case, it is ^{seen} that when the deceased died, there was no major liability left by him as in as much as both the daughters were already married, and the sons were also grown up, and the family of the deceased was received DCRG Rs. 3,13,326/- + GPF Rs. 11,735/- + PLI Rs. 10,000/- + CGEIS Rs. 30,000 + encashment of leave Rs. 95,220/-, besides family pension of Rs. 4,861/-, and there is 10 katha of landed property.

5. In this ^{to} manner ^{to}, the deceased official had not left any social liabilities like education of minor children and marriage of daughters. Simply because two sons were unemployed, it does not mean that they are entitled to be given compassionate appointment. Since the respondents



are bound by the five per cent ceiling, and they ^{to found} that the
deceased family is not ^{placed in} indigent circumstances, hence I
do not see any illegality in the order passed by the
respondents. Therefore, the OA is dismissed. However, there
shall be no order as to the costs.


[Sadhna Srivastava] M [J]

/cbs/