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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 01.10.93.

OA 571/93

MAJOJ KUMAR SRIVASTAVA ... APPLICANT.

v/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).  
HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI AMITABH BHATNAGAR.

For the Respondents ... NONE.

PER HON. MR. O.P. SHARMA, MEMBER (A).

The applicant, Manoj Kumar Srivastava, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the impugned orders/letters Annexures A-1 and A-2, by which the request of the applicant for appointment on compassionate grounds in the Department of Posts has been rejected, may be quashed.

2. The applicant's father late Shri Surya Prakash Srivastava, who was working as Branch Post Master in a Post Office at Sikar, expired in August, 1975 when the applicant was 7 years of age. On attaining majority, the applicant applied for appointment in the Department of Posts on compassionate grounds. The Department rejected the applicant's request. The applicant thereafter filed an application before this Tribunal. The Tribunal, vide their order Annexure A-3 dated 3.12.92, directed the

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respondents to dispose of the representation of the mother of the applicant for ~~compassionets~~ appointment of her son, the applicant, on compassionate grounds, by a speaking order. A further direction was given that in case the applicant is found to be eligible for appointment, the same should be given to him commensurate with his educational qualifications. Thereafter, the Department called for particulars of educational qualifications etc. of the applicant but did not accede to his request for appointment on compassionate grounds. The request was rejected vide letter Annexure A-1 dated 24/28.6.93. In this letter, the respondents have stated that the case of the applicant was considered by the Circle Selection Committee who came to the conclusion that the family of the deceased employee is not financially hard pressed and moreover there is no minor dependent on the wife of the deceased employee.

3. The learned counsel for the applicant has stated that the widow of the deceased is employed as a Teacher in a Panchayat School. Both the sisters of the applicant are married and staying away from the family. Of the three brothers of the applicant one has expired and two are married with children of their own. Only the applicant is un-married. He has stated that the family <sup>finds it</sup> difficults to support itself with the salary of the mother, employed as a Teacher. She is also in indifferent health and plans to take voluntary retirement. He has, therefore, prayed that there is justification for grant of appointment to the applicant on compassionate grounds.

4. We have heard the learned counsel for the applicant and perused the application and its annexures.

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5. In the instant case, the only two persons who matter are the applicant's mother and the applicant himself because all other members of the family are either staying away or they are married with children of their own. The applicant's mother is employed as a Teacher in a school. Surely she would be in a position to maintain at least two members of the family namely herself and her son who has just attained majority. In the circumstances of the present case, we do not think this is a fit case for interference in the decision taken by the Department which has been arrived ~~of~~ after a due consideration by the Circle Selection Committee.

6. In the circumstances, the OA is disposed of at the stage of admission.

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( O.P. SHARMA )  
MEMBER (A)

Gopal Krishna  
( GOPAL KRISHNA )  
MEMBER (J)