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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 24/7/2007

OA 4/98

Chhitar Mal Meena s/c Late Shri Kajod Mal Meena r/o Gucha Bassi, Village Bassi, Tehsil Bassi, Distt. Jaipur.

... Applicant

VERSUS

1. Union of India through Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Sr. Supdt., Post & Telegraph, Jaipur City Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

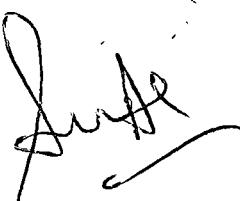
For the Applicant ... Mr. Amitabh Bhatnagar
For the Respondents ... Mr. K.N. Shrimal

ORDER

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this application filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to quash and set aside the impugned rejection order dated 2.5.97 and to direct the respondents to consider the applicant for suitable employment on compassionate grounds in place of his deceased father.

2. The brief facts of this case, as alleged by the applicant, are that his father, Late Shri Kajod Mal Meena, expired on 7.6.93 while serving as Chowkidar in the Post & Telegraphs Department, leaving behind him his widow, two sons, two daughter-in-laws, grandson and daughters. It is stated that the widow of Shri Kajod Mal Meena also expired on 9.6.93. Shri Kajod Mal Meena left a landed property of 4 Beegha 17 Biswa but from this piece of land nothing can be earned. It is stated that the applicant filed a representation to the respondents for his appointment in place of his deceased father but the same was rejected and communicated to the applicant vide letter dated 13.1.95. Thereafter, the applicant approached this Tribunal by OA 358/95. The Tribunal allowed the aforesaid OA vide order dated 18.2.97 and directed the respondents to assess, evaluate and consider the case of the applicant in strict compliance with the instructions given in OM dated 30.6.93, issued by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training). But the claim of the

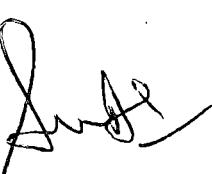


applicant for appointment on compassionate grounds was again rejected on flimsy grounds vide order dated 2.5.97. It is stated that request of the applicant was rejected on flimsy grounds and approach of the respondents while rejecting the application of the applicant has been arbitrary and discriminatory. Therefore, by the present application the applicant again has approached this Tribunal for the relief as above.

3. Reply was filed. In the reply it is stated that case of the applicant was considered by the Circle Selection Committee on 10.11.94 and rejected on the ground that the purpose of providing immediate assistance does not exist in this case. Aggrieved by the decision of the Circle Selection Committee, the applicant filed an OA 358/95, which was decided by this Tribunal vide order dated 18.2.97 with the direction to assess, evaluate and consider the case of the applicant in strict compliance with the instructions given in the OM dated 30.6.94, issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training). It is stated that in the light of the decision a detailed report was prepared and placed before the Circle Selection Committee as well as the Chief Post Master General being Chairman of the Committee for consideration and after careful consideration on the merits of the case, rejected the claim of the applicant for compassionate appointment in the department. It is stated that income of Rs.2500/- per annum was with the applicant from the unirrigated piece of land and both the sons of the deceased employee are major, married and capable of earning Rs.2000/- per month to maintain the family. In this way it is stated that the applicant has no case and this OA is devoid of any merit and liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The main ground for rejection of application of the applicant in pursuance of the order dated 18.2.97, passed by the Tribunal, was that there was a income of Rs.2500/- per annum from the unirrigated land to the applicant and both sons of the deceased are earning Rs.2000/- per month by doing labour. There is no basis to the above facts mentioned in the impugned order of rejection. As regards income from unirrigated land is concerned, Sarpanch, Gram Panchayat Bassi, has issued a certificate that Shri Chhitar Mal Meena (the applicant) is having 4 Beegha 17 Biswa land within the jurisdiction of Gram Gudha, Tehsil Bassi, but it is unirrigated land, therefore, the applicant is not having any income out of the land. In the same way, there is no basis

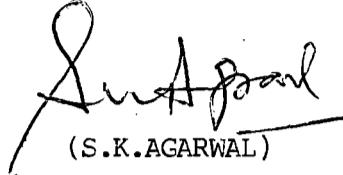


to assess and evaluate the income of Shri Chhitar Mal and Babu Lal, which is mentioned as Rs.2000/- per month in the report prepared by the respondents. It is also admitted by the respondents that at present Shri Chhitar Mal and Babu Lal, both the sons of the deceased employee, are not getting the family pension as they have crossed the age of 25 years. In the report dated 22.4.97 given by the Superintendent of Post Offices, Rural, Jaipur, it has been specifically mentioned that both the sons were dependant upon the deceased and their financial position is not good and the family is having the status of a poor man. The report dated 22.4.97 itself admits the fact that family of the deceased was in indigent circumstances at the time of his death and still the family of the deceased, though having two major sons, is having poor financial status, having indigent circumstances and in distress.

6. In Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138, a Bench of two judges pointed out that; "the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased." In Jagdish Prasad v. State of Bihar, (1996) 1 SCC 301, Hon'ble the Supreme Court has observed that "the very object of appointment of a dependant of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family." In another case, Director of Education (Secondary) and Another v. Pushpendra Kumar and others, 1998 SCC (L&S) 1302, it was held that; "the object underlying a provision for grant of compassionate employment is to enable the family of deceased employee to tide over the sudden crisis resulting due to death of the bread earner which has left the family in penury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided the family would not be able to make both ends meet, a provision is made for giving gainful appointment to one of the dependants of the deceased who may be eligible for such appointment." In the instant case, Shri Kajal Mal Meena died in the year 1993 leaving the family in indigent circumstances. The applicant is pursuing the matter for appointment on compassionate grounds with the department and in case of rejection by the department, approached the Tribunal. On evaluation made by the department regarding financial status of the applicant, it appeared that status of the applicant was poor. Meaning thereby, the applicant is still having indigent circumstances and in the facts and circumstances of this case and legal position cited as above, the applicant is entitled to be considered for

appointment on compassionate grounds on any suitable post.

7. I, therefore, allow this OA and direct the respondents to consider the case of the applicant for appointment on compassionate grounds on any suitable post within three months from the date of receipt of a copy of this order. No order as to costs.


(S.K. AGARWAL)
MEMBER (J)