

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET

APPLICATION NO.: \_\_\_\_\_

(B)

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

**12.01.2009**

**OA No. 10/2009 with MA 02/2009**

Mr. C.B. Sharma, Counsel for applicant.

On the request of the learned counsel for the applicant, list it on 19.01.2009.

*B.L.KHATRI*  
**(B.L.KHATRI)**  
**MEMBER (A)**

AHQ

**19.01.2009**

**OA No. 10/2009 with MA 02/2009**

Mr. C.B. Sharma, Counsel for applicants.

Heard learned counsel for the applicants.

MA 2/2009 for filing joint OA is allowed.

For the reasons dictated separately, the OA

~~was~~ disposed of.

*B.L.KHATRI*  
**(B.L.KHATRI)**  
**MEMBER (A)**

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 19<sup>th</sup> day of January, 2009

**ORIGINAL APPLICATION NO. 10/2009**

**CORAM:**

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Smt. Narbada wife of Late Shri Prahlad Kumar aged about 60 years, resident of Village and Post Arniya Kedar, District Tonk.
2. Ram Singh son of Late Shri Prahlad Kumar aged about 24 years, resident of Village and Post Arniya Kedar District Tonk. Aspirant for appointment on compassionate grounds on the post of Gramin Dak Sevak, Branch Post Master, Arniya Kedar (Tonk H.O.) Branch Post Office, District Tonk.

.....APPLICANTS

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan Southern Region, Ajmer.
4. Superintendent of Post Offices, Tonk Postal Division, Tonk.

.....RESPONDENTS

(By Advocate: -----)

**ORDER (ORAL)**

**PER HON'BLE MR. B.L. KHATRI**

This OA has been moved by the applicant against the order dated 21.11.2008 (Annexure A/1) issued on behalf of respondent no. 3 by which respondent no. 2 as well as applicant no. 1 has been informed that appointment to applicant no. 2 on compassionate ground cannot be extended as Late Shri Prahlad Kumar expired on 01.09.2007 after retirement on 14.02.2006. By way of this OA, the applicants have prayed for the following reliefs:-

*PLW*

"(i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to reconsider and to give appointment to the applicant no. 2 on compassionate grounds on the post of Gramin Dak Sevak Branch Post Master Arniya Kedar (Tonk HQ) Branch Post Office against vacant post by quashing letter dated 21.11.2008 (Annexure A/1) with all consequential benefits.

(ii) That the respondents may be directed not to fill up the post of Gramin Dak Sevak Branch Post Master Arniya Kedar (Tonk HQ) without further consideration of the applicant no. 2.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the cost of this application may be awarded."

2. Brief facts of the case are that the applicant no. 1 is wife of Late Shri Prahlad Kumar and applicant no. 2 is son of Late Shri Prahlad Kumar, who was holding the post of Gramin Dak Sevak Branch Post Master, Arniya Kedar (Tonk HQ), District Tonk. Shri Prahlad Kumar lost his vision, so respondent no. 4 vide letter dated 19.01.2006 (Annexure A/2) directed him to attend before the Medical Board for examination of his eyes and after that to submit the report. After taking into consideration the report of the Medical Board, Respondent no. 4 vide order dated 03.02.2006 (Annexure A/3) ordered for retirement of the applicant on medical grounds and thus Shri Prahlad Kumar was relieved from the post on 14.02.2006 (Annexure A/4). It is submitted that husband/father of the applicants retired on medical grounds at the age of 62 years whereas retirement age of Gramin Dak Sevak is 65 years. Late husband/father expired on 01.09.2007 leaving behind the applicants as well as other four sons and one widow daughter who is also dependant on the family and no family member is in employment and other sons are living separately.

3. Applicant no. 1 made a request to the respondents vide Annexure A/5 with required certificates for providing appointment on compassionate grounds to her son submitting therein that the condition of the family is indigent because no earning is available and family is not in a position to meet out expenditure to maintain. She further made request on 12.06.2008 (Annexure A/6) and submitted certificate obtained from the Sarpanch of the Panchayat dated

b/w

07.07.2008 (Annexure A/7) in order to provide compassionate appointment to her son. But the request of the applicants for granting appointment on compassionate grounds was rejected by respondent no. 3 vide order dated 21.11.2008 (Annexure A/1). Therefore the applicant has filed this OA thereby praying for the aforesaid reliefs.

4. Respondents have specifically mentioned in the order dated 21.11.2008 (Annexure A/1) that Late Shri Prahlad Kumar expired on 01.09.2007 after his retirement. Therefore, the scheme for providing appointment on compassionate ground cannot be extended to him.

5. Attention of the learned counsel for the applicant was invited to Para No. 2 of Government of India, Department of Posts, Letter No. 14-25.91-ED & TRG., dated 29.05.1992, which reads as under:-

"You will kindly observe that the contents of this letter under reference imply that for purpose of compassionate appointment, the dependants/near relatives of invalidated ED Agents are also eligible along with the dependants/near relative of those EDAs who die in harness. This concession was not available earlier. Therefore, the question whether the dependants/near relatives of invalidated ED Agents may continue to be considered for compassionate appointment subject to certain conditions, has been re-examined in this office. Having regard to all the relevant considerations, it is felt that it would not be desirable to extend the scope for compassionate appointments to cover the defendant/near relatives of the invalidated EDAs."

6. Under this Scheme, it has been decided not to extend the benefit of the Scheme for compassionate appointment to cover the defendant/near relatives of the invalidated EDAs. Learned counsel for the applicant heavily relied upon the DG Posts letter No. 17-85/95-ED & Trg. dated 15.02.1996 wherein it has been clarified that provisions contained in the OM., Dept. of Per. & Trg., as circulated with this office letter referred to above providing for compassionate appointment of defendant brother/sister of the ED Agents who is unmarried at the time of death of ED Agents and die in harness are applicable to ED Agents. However, this concession will not be extended to cover the

dependent brother/sister of those ED Agents who retire prematurely on medical grounds.

7. I have heard the learned counsel for the applicant and have gone through the material placed on record. I am of the view that even after going through the circular relied upon by the learned counsel for the applicant, it is evident that no Scheme in suppression of the circular dated 29.05.1992 has been framed to provide for appointment on compassionate grounds to the wards of the invalidated EDAs and even this circular does not extend any concession to cover the cases of dependents of those ED Agents who retire prematurely on medical grounds. This issue is squarely covered by the judgement rendered by this Bench in OA No. 510/2008 in the case of Amit Kumar & Another vs. Union of India & Others, decided on 06.01.2009. In this order, it was specifically held that in view of the provisions contained in the circular of Government of India (reference is in the order), there is no provision regarding grant of compassionate appointment to the dependents/near relative of the invalidated EDAs, we see no infirmity in the action of the respondents in rejecting the claim of the applicant.

8. Under the facts & circumstances of this case also, I am of the view that applicants have not made out any case for interference by this Bench. Accordingly, the OA is dismissed with no order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)

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