

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER-SHEET

ORDERS OF THE TRIBUNAL

22/01/2014

O.A. No. 16/2013

Mr. Amit Mathur, counsel for the applicant.
Mr. Mukesh Agarwal, counsel for the respondents.

Heard the learned counsel for the parties.

O.A. is disposed of by a separate order on separate sheets for the reasons recorded therein.


(G. George Parackal)
Judicial Member

Vv

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 16/2013

Date of order: 22/01/2014

CORAM

Hon'ble Shri G. George Paracken, Judicial Member.

Mukesh Kumar Khangar son of Late Shri Ramniwas Khangar, aged around 20 years, resident of Village Rajwas, Tehsil Niwai, District Tonk (Rajasthan).

.....Applicant

Mr. Amit Mathur, counsel for the applicant.

VERSUS

1. The Union of India through its Secretary, Department of Post, Dak Bhawan New Delhi.

2. The Chief Post Master General, Rajasthan Circle, Jaipur.

.....Respondents.

Mr. Mukesh Agarwal counsel for the respondents.

ORDER

The applicant in this Original Application has challenged the impugned letter dated 15/03/2012 by which respondent have rejected his request for appointment on compassionate ground. The said order reads as under:

" The Compassionate Appointment case of the above named applicant was considered by the Circle Relaxation Committee met on 12.03.2012 along with 44 (forty four) cases against total 11 (eleven) vacancies (Postal Assistant=3, Postman=3, MTS=5) earmarked for appointment on Compassionate grounds for the year 2011. The Circle Relaxation Committee considered all the cases under its limits by adopting yard sticks based on



100 points scale of the various attributes fixed by the Competent Authority to make comparative, balanced and objective assessment of financial conditions of each case and recommended the most deserving cases based on merit to the extent of available vacancies. While considering a request for appointment on compassionate grounds, CRC made a balanced and objective assessment of the financial condition of the family taking into account its assets and liabilities including the terminal benefits received and all other factors like earning member, size of family etc. CRC observed that the ex-official expired on 20.05.2011 leaving behind the widow, one daughter, three sons and parents of the deceased employee. The family owns a house to live in and 5 bigha agricultural land. The family has income from other sources of Rs. 3000/- per month. The widow is getting family pension @ Rs. 8980/- + D.A. per month.

The CRC, after making objective and comparative assessment of the financial condition and liabilities of the deceased families, recommended the cases which were found most indigent in comparison to other cases and the case of the applicant was not recommended as it was not found comparatively indigent in view of limited vacancy available for the purpose. The decision of the CRC may please be communicated to the applicant accordingly."

2. The learned counsel for the applicant has very fairly stated that since case of the applicant has been rejected on the basis of the comparative analysis of the similar requests of 44 persons for compassionate appointment, the decision of the respondents cannot be faulted. However, he has submitted the respondents should have considered the request of the applicant against the vacancies available for the subsequent year.

3. The learned counsel for the respondents, on the other hand, has stated that appointments on compassionate grounds are given to the dependents of the deceased government servants for the immediate assistance to their families. He has also stated that only 5 % vacancies under direct recruitment quota is earmarked for this purpose. When the requests for such appointments exceeds the

availability of vacancies, the respondents have to identify the most deserving applicants among them and to provide employment to them. In the case of the applicant, his case was duly considered by the respondents and it was seen that the deceased employee left behind his widow, three sons and his parents. The family also has its own house to live in and it has five bigha agricultural land for cultivation. They are also in receipt of income of 3000/- from other sources per month and the widow of the deceased government servant is getting family pension @ Rs. 8980/- + D.A. per month.

4. In my considered view a death of government servant causes great financial hardship to the family. However, it is also a fact that all requests for compassionate ground appointments from the dependents of government servants cannot be acceded to as the vacancies earmarked for that purpose is very limited and the demand for such appointments is quite large. Therefore, respondents have to consider as to who are the most deserving persons among such applicants. The respondents have accordingly considered the case of the applicant in the CRC held on 21/03/2012. As the vacancies available was only eleven and the total claimants were forty four, the respondents have rightly selected the most deserving candidates and in the process the applicant's case had to be rejected. However, the fact is that in the applicant's case family is also in indigent circumstances after the death of his father. May be they are better placed than those who have been recommended for appointment. Therefore, the applicant's request could not have been rejected out-rightly. Rather, the respondents should have considered him at least in the next CRC and if his case comes within the list of most deserving applicants of last year, he could be recommended for such appointment.

5. In the above circumstances, I dispose of this O.A. with the direction to the respondent to consider the case of the applicant once again in the next CRC meeting and if his case is found covered

by the prescribed yardstick, he shall be offered appointment on compassionate ground. However, as agreed to by the learned counsel for the applicant, the applicant will not claim any further consideration of his case.

6. There shall be no order as to costs.


(G. George Paracken)
Member (J)