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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 03.01.97

OA 328/95

Vimla Devi Vyas widow of Laxmi Narayan, Ex.Postal Assistant, Head Post Office, Alwar, resident of near Gandhi park, Kherli, Alwar.

... Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communications, New Delhi.
2. Director General, Department of Posts, New Delhi.
3. Chief Postmaster General, Rajasthan Circle, Jaipur.
4. Senior Supdt. of Post Offices, Alwar Division, Alwar.

... Respondents

CORAM:

HON'BLE MR.GOPAL IFISHNA, VICE CHAIFMAN

For the Applicant

... Mr.K.L. Thawani

For the Respondents

... Mr.Zakir Hussain, brief holder for
Mr. M.Rafiq

O R D E R

PEF HON'BLE MR.GOPAL IFISHNA, VICE CHAIFMAN

Applicant, Vimla Devi Vyas, in this application u/s 19 of the Administrative Tribunals Act, 1985, has claimed appointment of her son, Rajendra Vyas, as a Clerk or Postman on compassionate considerations.

2. Heard the learned counsel for the parties.

3. The applicant's case is that her husband, Laxmi Narayan, while serving as Postal Assistant at Alwar, died suddenly of heart attack on 19.3.92 leaving behind his widow and three sons. It is stated that the eldest son, Ravi Kant Vyas, is employed and he is living separately from the family of the deceased government servant. Rajendra Vyas, a son of the applicant, is 11th Class passed and he is about 24 years of age. It is also stated that except family pension there is no other source of income and, in the circumstances, the family is in distress. The respondents have, on the other hand, contended that the husband of the applicant had died at the age of 54 years instead of 47 years, as stated by the applicant, and the applicant has already received a substantial amount by way of retiral benefits on the death of her husband, as stated in para 4(3) of the reply. The respondents have already considered the case of the applicant's son for appointment on compassionate grounds but the same was rejected due to

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reasons that there was one earning member in the family and there was no liability of minor children. The applicant is regularly receiving family pension. The eldest son, Ravi Kant Vyas, is a Post Graduate and he is working in a private school. The request of the applicant for appointment of her son on compassionate basis was considered twice in the Circle Office, Jaipur, and also in the Postal Directorate, but the same was rejected on the ground that there is an earning member in the family and the family was not considered to be in indigent circumstances. This Tribunal can merely direct consideration of the claim for such an appointment. There is no convincing evidence on the record to establish that the family of the deceased government servant is in penurious condition. In the circumstances, I find no justification for directing reconsideration of the applicant's case for grant of compassionate appointment to her son.

4. This application is, therefore, dismissed. No order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK