

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 12.10.98

OA 624/96

Jagdish Lal Saini s/o Late Shri Rameshwar Lal Saini c/o Shri Chhagan Lal Saini, Vyas ji ka Bag, Purana Ghat, Jaipur.

... Applicant

Versus

1. Union of India through Under Secretary, Department of Posts and Telegraph, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Additional Superintendent of Posts, Jaipur City Circle, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.Sukhveer Singh

For the Respondents

... Mr.R.L.Damami, ASPO,

departmental representative

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Jagdish Lal Saini, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for grant of appointment to a Group-D post on compassionate grounds.

2. Heard the learned counsel for the applicant and Shri R.L.Damami, Assistant Superintendent of Post Offices, departmental representative for the respondents. Records of the case have been carefully perused.

3. Applicant's case is that his father Shri Rameshwar Lal Saini was working as a Postman in Jaipur City Post Office. He unfortunately died on 8.11.84. At the time of the death of his father, the applicant was aged 9 years. He attained majority in the year 1993. Thereafter, the applicant applied for his appointment to a Group-D post on compassionate basis. His contention is that the family of the deceased government servant is suffering from financial crisis and after the death of the sole bread winner for the family, the family is living from hand to mouth. The family of the deceased consists of his widow and two sons namely Jagdish Lal Saini (Applicant) and his younger brother Tara Chand Saini. It is contended that it is becoming difficult to sustain the family on a meagre amount of family pension. The applicant has passed Class-IX during the year 1992-93. This application has been opposed by the respondents on the ground that it is barred by limitation since the cause of action had arisen to the applicant's mother on 9.11.84 and

to the applicant on 21.11.92, on which date he had attained majority. The request for appointment on compassionate basis was rejected vide Annexure A-1 dated 4.11.96. The present application was filed on 21.11.96. In the circumstances, this application cannot be thrown out merely on the ground of limitation.

4. It is categorically stated by the applicant in the rejoinder that he has no moveable and immoveable property and the family of the deceased government servant is still in distress and it is living from hand to mouth. It is also contended on behalf of the applicant that the respondents had rejected the applicant's claim for appointment on compassionate basis merely on the ground that the widow of the deceased government employee is getting a family pension. The widow of the deceased is drawing a family pension of Rs.375/- + dearness relief thereon per month. In these days of sky-rocketing prices of essential commodities it may be difficult to sustain a family of three members on the meagre amount of pension, which the widow of the deceased government servant is drawing.

5. In the circumstances, the respondents are directed to reconsider the applicant's case for grant of appointment on compassionate grounds to a Group-D post after verifying the relevant data in terms of rules, instructions and guidelines on the subject within a period of four months from the date of receipt of a copy of this order. This application is allowed accordingly with no order as to costs.

C.K.R.
(GOPAL KRISHNA)
VICE CHAIRMAN

VK