

Date of order: 17.12.99

OA No.124/97

Harish Kumar S/o Shri Ram Gopal, aged about 24 years, resident of Plot No.A-16, Pancho Babu Ka Hatha, Moti Bhawan, Power House Road, Jaipur.

.. Applicant

Versus

1. The Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.
2. The Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi.
3. The Chief Postmaster General, Rajasthan Circle, Jaipur.
4. The Senior Superintendent, R.M.S., JP Division Jaipur

.. Respondents

Mr. P.N.Jati, counsel for the applicant

Mr. Tirupati Kandoi, Proxy counsel to Mr. M.Rafiq, counsel for the respondents.

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

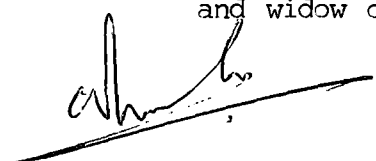
Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

The applicant prays for directions to respondents to appoint him on compassionate grounds in rejection of order dated 1.1.1997, which may be quashed.

2. It has been stated by the applicant that his father, late Shri Ram Gopal expired on 3.8.1993 while working as Jamadar in the office of the Head Record Officer, RMS, Jaipur. Immediately, the mother of the applicant and widow of late Shri Ram Gopal, made an application for appointment on

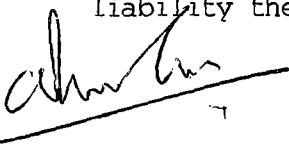


compassionate grounds, giving all the particulars of the family vide affidavit of 27.9.1993 (Ann.A4) also declaring that the appointment may be given to the applicant. Vide another affidavit dated 11.10.1993 the widow stated that none in the family was in either government job or any other job and that nobody in the family had any objection if the job is given to her son i.e. the applicant. It was also stated that the income of the family was Rs. 7200/- per year as evident from the income certificate issued by the Tehsildar (Ann.A7) and that there was no land in the possession of the family (Ann.A8). Another affidavit dated 4.11.1993 (Ann.A9) was also submitted regarding the property under possession of the family. The applicant also submitted an affidavit (Ann.A10) that he will fulfil all the responsibilities on behalf of the family. However, vide the impugned letter dated 1.1.1997 (Ann.A1) he was informed that the request was considered by the Postmaster General (for short, PMG) but has been rejected. It has been contended by the applicant that reasons for rejection are not based on facts and poor financial condition of the family has not been considered and, therefore, the rejection is bad in law and arbitrary.

3. The respondents have filed a reply. It has been stated that the request for appointment was duly considered by the PMG and reconsidered sympathetically by the Circle Recruitment Relaxation Committee but was rejected on the following grounds:

- i) The widow is in receipt of family pension of Rs. 535/- plus D.A.
- ii) Terminal benefits to the tune of Rs. 50,154/- were already paid to the family.
- iii) There is no heavy liability on the family.

It has also been stated by the respondents that the deceased Ram Gopal left behind his wife, two major sons (Suresh aged 25 years and Harish, the applicant, aged 21 years) and one minor son, Mahesh aged 12 years. The financial condition of the family was also assessed. The decision to reject has been defended on the ground that in the absence of heavy financial liability the scheme of compassionate appointment cannot be used as a short



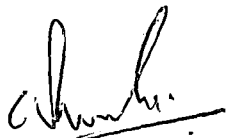
cut to obtain employment of the children of deceased and certain decisions of the Apex Court/Tribunal have been cited. The applicant has, therefore, no reason to feel aggrieved. The respondents have also mentioned that elder son of the deceased is reported to be working as a daily mazdoor. Finally, it has been stated that compassionate appointments can be made upto a maximum of 5% of vacancies made direct recruitment quota in Group 'C' and 'D' posts. Applicant is qualified only for a Group 'D' post being only Vth Class. At present 19 approved candidates are already waiting for appointments and the waiting list may take approximately 15 to 20 years to exhaust.

4. We have heard the learned counsel for the parties and perused the records.


5. The learned counsel for the applicant has strongly argued that the family of the deceased employee is in indigent condition. In these days of high and rising prices, it is very difficult for the widow of the deceased to manage the affairs of the family with a paltry pension of Rs. 535/- per month. Even if it is accepted that her elder son is working as a daily labourer, she still has to educate and settle her other two sons. In any case, if the elder son marries, he will no longer be an asset to her family. We see some weight in these contentions. However, we also note that 19 approved candidates are already in the waiting list.

6. In the facts and circumstances of this case, we dispose of this Application by directing respondent No.3 to reconsider the case of the applicant and consider placing the applicant also on the waiting list.

7. No order as to costs.

  
(N.P. NAWANI)

Adm. Member

  
(S.K. AGARWAL)

Judl. Member