

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

O.A.NO.310/1997

Date of order: 24.11.1997.

Bajrang Lal Sharma Son of late Shri Shiv Charan Sharma, aged about 31 years, by caste Prahmin, resident of village Babai, District Jhunjhunu (Raj.).

: Applicant

Versus

1. The Union of India through Secretary, Ministry of Telecommunication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. The Chief Post Master (General), Rajasthan Circle, Jaipur.
3. The Superintendent of Post Office, Jhunjhunu Division, Jhunjhunu (Rajasthan).

: Respondents

Mr. Ajay Gupta, counsel for the applicant

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O-R-D-E-R-

PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)

1 In this application under Section 19 of the Administrative Tribunals' Act, 1985, Shri Bajrang Lal Sharma has prayed that the order of the respondents by which appointment to the applicant has been denied on compassionate ground may be quashed and the respondents may be directed to grant appointment to the applicant on a suitable post on compassionate ground with all consequential benefits.

2. The case of the applicant is that his father late Shri Shiv Charan Sharma died while in service in Post Office, Singhana (District Jhunjhunu), on 28.1.1973 due to an accident. At the time of death of his father, the applicant was a minor, having been born on 6.4.1966. The applicant has another brother and two sisters. All of them were minor at the time of his father's death. Earlier in 1977, the applicant had submitted an application for appointment on compassionate ground, but the

6

...2

(6)

respondents had replied that the minimum age for getting appointment is 18 years and that the applicant should apply after attaining the age of 18 years. Communication Annexure A/1 dated 31.12.1977 is relevant in this regard. A number of applications were submitted by the applicant and his family members to the respondents for getting appointment on compassionate ground. For some reason the applicant's brother could not get appointment on compassionate ground. The applicant attained majority in 1985 and thereafter he pursued higher studies. Thereafter he filed an application to get appointment on compassionate ground in place of his father. Vide communication dated 12.4.1993 (Annx.A/4) the respondent No.3, the Superintendent of Post Offices, Jhunjhunu Division asked the applicant to submit necessary information and documents with regard to his prayer for grant of compassionate appointment. Thereafter, the applicant submitted all necessary documents and information required by the respondents. Respondents however, without making any further enquiry rejected the applicant's application vide letter dated 17.1.1994 (Annx.A/5) on the ground that the purpose of providing immediate relief does not exist in this case as the applicant's father had expired long back and his family has been maintaining itself quite well during this period. After receipt of the aforesaid letter, the applicant again submitted representations to the respondents. One of the representations is at Annexure A/6 dated 15.12.1994. The applicant's case is that members of his family are facing great financial hardship. Under the instructions issued by the Government of India, the applicant is entitled to compassionate appointment. The applicant has no other source of livelihood and he has to maintain his mother who remains continuously ill. He has also the liability of maintaining two sisters. Since the respondents

91

7

had not paid any attention to his prayer for grant of appointment on compassionate ground he served a legal notice on the respondents for demand of justice on 5.5.1997 (Annx.A/8). Even after the service of the said legal notice his grievance remained unredressed. Technicalities and rules should not come in the way of grant of appointment to the applicant on compassionate grounds.

3. During the arguments, the learned counsel for the applicant stated that the applicant had, immediately on attaining the majority in 1985, applied for appointment on compassionate ground but the applicant has not maintained any copy of the application submitted by him. Thereafter, according to him, the applicant has been repeatedly requesting the respondents to grant him appointment on compassionate ground but his request has been turned down for the one reason or the other. The applicant's family is in real financial hardship and, therefore, the applicant is in dire need of employment. The applicant's father had expired when he was a Peon in the Postal Department and the applicant is only asking for appointment as a Peon.

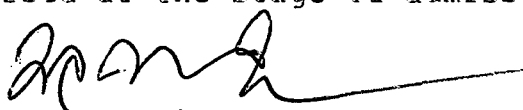
4. We have heard the learned counsel for the applicant and have perused the material on record.

5. As stated by the applicant himself his father expired in January, 1973 when the applicant was a minor. The applicant attained majority in 1985. Although it has been claimed that the applicant made an application for appointment on compassionate grounds immediately after attaining majority, yet there is no proof available with regard to his making any such application. On 5.8.1997 the applicant had been granted an opportunity by the Tribunal to file documents in support of his

91

application for seeking compassionate appointment. During the arguments today, the learned counsel for the applicant states that the applicant has not been able to furnish any further documents because he did not maintain copies of the applications made for compassionate appointment, earlier. The o.A. has been filed on 17.7.1997. The applicant's father expired in 1973. There is no proof that the applicant himself moved the respondents immediately after attaining majority to seek compassionate appointment. None of the documents placed by the applicant on record make any reference to an earlier application of 1985 or thereabout having been made by the applicant. In these circumstances, it appears to us that the present application for compassionate appointment is highly belated. There is merit in the statement of the respondents that the family of the applicant has been maintaining itself for such a long time and, therefore, there is no justification for grant of compassionate appointment at this stage. The applicant is himself 31 years old now.

6. Taking all the circumstances into account, we are of the view that there is no merit in this application. This is dismissed at the stage of admission.


(RATAN PRAKASH)

JUDICIAL MEMBER


(G.P. SHARMA)

ADMINISTRATIVE MEMBER