

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 30.3.1999

OA 289/98

Kuldeep Kumar Meena s/o Shri Hanuman Sahai Meena r/o 2-A/84, Shiv Shakti Colony, Shastri Nagar, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Sr. Supdt., Railway Mail Service, Jaipur.
4. Head Record Officer, Railway Mail Service, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. P. N. Jati

For the Respondents

... Mr. M. Rafiq

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Kuldeep Kumar Meena, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to appoint him to a Group-D post in the Department of Posts on compassionate basis.

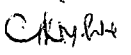
2. Heard the learned counsel for the parties. Records of the case have been carefully perused. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Applicant's case is that his father late Shri Hanuman Sahai Meena, Sorting Assistant in the office of the Railway Mail Service at Jaipur, expired on 28.10.1995 while in service. The applicant applied to respondent No.3 for appointment to a Group-D post on compassionate basis but his request was rejected by respondent No.1 vide Annexure A-1 dated 15.9.1997. It is stated by the applicant that the deceased Hanuman Sahai Meena left behind a family of five persons who were all dependant on him. Shri Hanuman Sahai Meena had two daughters who were already married before his death. It has been categorically stated by the applicant that a loan of Rs.60,000/- was taken in connection with the marriage of his daughters and a sum of Rs.40,000/- was spent on the treatment of Shri Hanuman Sahai, who remained ill for a period of about 15 months. A considerable sum of money was spent on the performance of funeral rights after the death of the deceased

government servant. The respondents, on the other hand, have stated that the applicant's case for appointment on compassionate grounds was considered but it was rejected on the grounds that the widow of the deceased is getting a family pension of Rs.785/- plus dearness relief thereon and terminal benefits to the tune of Rs.1,14,610/- have already been paid to the family in addition to the family pension and that there is a long waiting list in Group-D category.

4. It is true that the wife of the deceased employee has received Rs.1,14,610/- as terminal benefits and she is also getting a family pension but the fact remains that considerable amounts of money have been spent on the treatment of the deceased employee and on the performance of the funeral rights after his death. The deceased employee had left behind four sons and a widow. The contention of the learned counsel for the applicant that the family is in indigent circumstances cannot be brushed aside in the circumstances of this case.

5. In the circumstances, this application is disposed of, at the stage of admission, with a direction to the respondents to consider the applicant's case for appointment on compassionate basis afresh after verifying the relevant data. No order as to costs.


(GOPAL KRISHNA)
VICE CHAIRMAN

VK