

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.359/98

Date of order: 04.04.2000

Premnath, S/o late Shri Shivnath, R/o Outside Surajpol
Gate, Beawar, Rajasthan.

...Applicant.

Vs.

1. Union of India through Secretary, Mini. of Communication, Dak Bhavan, New Delhi.
2. Superintendent of Post Office, Beawar Divn., Beawar.
3. Chief Post Master General, Rajasthan Circle, Jaipur.

...Respondents.

Mr. Shiv Kumar - Counsel for the applicant

Mr. M. Rafiq - Counsel for respondents.

Mr. Hemant Gupta)

CORAM:

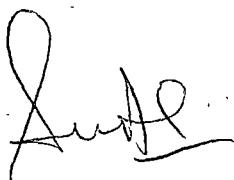
Hon'ble Mr. S. K. Agarwal, Judicial Member

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash the impugned order dated 22.1.96 by which the case of the applicant for appointment on compassionate ground was rejected and to direct the respondents to consider the applicant for appointment on compassionate ground on any suitable post.

2. Facts of the case in brief as stated by the applicant are that father of the applicant was employed on the post of Postman in Beawar Division Head Post Office, Beawar, who expired due to Cancer on 18.5.95. It is stated that the applicant is the elder son of the deceased employee. The deceased employee is having 4 other members in his family and the applicant is having no source of income, therefore, family of the deceased is facing financial hardship. It is further stated that the applicant submitted an application for appointment on compassionate ground which was rejected by the impugned order and by not considering his case, the action of the respondents is illegal, arbitrary and deserves to be quashed.

3. Reply was filed. In the reply it has been made specific that the case of the applicant was considered by the Circle Selection Committee on 8.1.96 for Group-D post but the same was rejected as widow of the deceased was getting the family pension of Rs.1170/- per month. She was given terminal benefits of Rs.65406/- and there was a long waiting list in Group-D cadre, therefore, no purpose will be served by including the name of the applicant in that list. It is stated that Shri Bhagu-Nath is the elder son of the deceased employee and he is also an earning member. It is further stated that widow of the deceased employee is getting



Rs.2052/- per month as family pension and terminal benefits were given to the widow to the tune of Rs.65406/-, therefore, the family of the applicant is not having any indigent circumstances.

4. No rejoinder was filed to contravert the averments made in the reply.

5. Heard the learned counsel for the parties and also perused the whole record.

6. It is not disputed that the widow of the deceased is getting a family pension of Rs.2052/- per month and elder son Shri Bhagu Nath is also an earning member. It is also not disputed that the applicant is also a young man who can do the work for earning his bread and butter. No indigent circumstances appear to have been established by the applicant in the family.

7. The main object of the compassionate appointment is to overcome the immediate hardship/harness in the family by sudden demise of the earning member of the family.

8. Hon'ble Supreme Court in Phool Kumari Vs. UOI & Ors., held that the main object of compassionate appointment is to relieve the immediate hardship and distress caused to the family by sudden demise of earning member of the family. The same view was upheld in Umesh Kumar Nagpal Vs. State of Haryana, (1994) 4 SCC 138, a bench of two Judges has pointed out that the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis, the object is not to give a member of such family a post much less a post held by the deceased. The same principle was followed by Hon'ble the Supreme Court in Jagdish Prasad Vs. State of Bihar (1996) 1 SCC 301 and held that the very object of appointment of a dependent of the deceased employee who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family.

9. In the instant case, I do not find any immediate hardship, distress or any indigent circumstances on the basis of which it can be said that the applicant is entitled to be considered for appointment on compassionate ground.

10. I, therefore, find no merits in this O.A and the same is liable to be dismissed.

11. I, therefore, dismiss this O.A with no order as to costs.


(S.K. Agarwal)
Member (J).