

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.150/1999

Date of order: 02.05.2000

Girraj Prasad Sharma, S/o Shri Radhey Shyam Sharma, R/o
Village & Post Kundal, Tehsil Dausa, Distt.Dausa.

...Applicant.

Vs.

1. Union of India through Secretary, Mini. of Post & Telegraph, New Delhi.
2. Post Master General, Rajasthan Circle, Post & Telegraph Deptt, Jaipur.
3. Supdt.of Post Office, Mofussil Division, Shastri Nagar, Jaipur.

...Respondents.

Mr.Azgar Khan - Counsel for applicant.

Mr.K.N.Shrimal - Counsel for respondents.

CORAM:

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

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

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

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order dated 9.7.97, 21.12.97 and 12.10.98 and the respondents may be directed to consider the case of the applicant for appointment on compassionate grounds.

2. The case of the applicant in brief is that Shri Radhey Shyam Sharma, who was serving as Postman died on 22.9.90 while in service leaving behind his mother and the applicant (adopted son). It is stated that the applicant was adopted on 15.8.90 and he has been looking after the mother of the deceased employee after the death. The applicant requested the respondents to consider him for appointment on compassionate grounds but vide the impugned orders, the prayer of the applicant was rejected. Therefore, the applicant filed the C.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is made clear that after the death of Shri Radhey Shyam Sharma, the applicant applied for appointment under relaxation of rules on compassionate grounds on 17.10.96. His case was submitted to the Chief Postmaster General and the same was rejected on the ground that the applicant has no liabilities of the deceased and no indigent circumstances caused in the family of the deceased so as to provide immediate assistance to the applicant.

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

5. It is an admitted fact that the deceased Radhey Shyam

Sharma died on 22.9.90 and the applicant was adopted by the deceased on 15.8.90. It is also very much clear from the facts stated by the applicant that he is a young man and having no liability of the deceased to provide him immediate assistance.

6. In Phool Kumari Vs. UOI & Ors. (1993) 23 ATC 548, it was held that the main object of compassionate appointment is related to the need for immediate assistance to the family particularly in distress. Humane approach is to be followed in dealing in such cases.

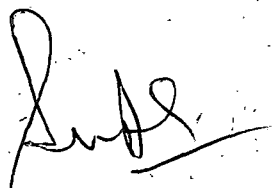
7. In Umesh Kumar Nagpal Vs. State of Haryana, (1994) 4 SCC 138, a Bench of two Judges has pointed out that the whole object of granting compassionate appointment is to enable the family to tide over the sudden crises, the object is not to give a member of such family a post much less a post held by the deceased.

8. In Jagdish Prasad Vs. State of Bihar, (1996) 1 SCC 301, Hon'ble Supreme Court has observed that the very object of appointment of a dependent of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family. The Hon'ble Supreme Court also pointed out that if the claim of the dependent which was preferred long after the death of deceased employee is to be countenanced it would amount to another mode of recruitment of the dependent of the deceased government servant which cannot be encouraged, de hors the recruitment rules.

9. In Director of Education & Anr. Vs. UOI & Ors. (1998) 5 SCC 192, the Hon'ble Supreme Court held that the object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the bread earner which has left the family in pecuniary and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made for giving gainful appointment to one of the dependents of the deceased who may be eligible for such appointment.

10. In the instant case, no indigent circumstances exist to provide immediate assistance to the applicant for appointment on compassionate ground.

11. In view of the above and looking to the facts and circumstances of the case and legal position as stated above, we are of the opinion that the applicant is not entitled to be considered for appointment on compassionate ground. If the same is permitted in this way, this amounts to another mode of recruitment

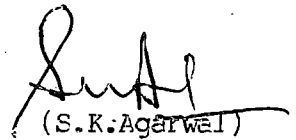


of the dependent of the deceased government servants which de hors
the recruitment rules. Accordingly this application fails which is
hereby dismissed with no order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).