

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.215/99

Date of order: 28/3/2000

Jagdish Lal Saini, S/o Shri Rameshwar Lal Saini, Vyas ji
ka Bag, Purana Ghat, Jaipur-4.

...Applicant.

Vs.

1. Union of India through Secretary, Deptt. of Posts & Telegraphs, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Asstt. Director (Recruitment) For Chief Postmaster General, Rajasthan Circle, Jaipur.

...Respondents.

Mr. Sukhveer Singh - Counsel for the applicant

Mr. M. Rafiq - Counsel for respondents.

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 consider his case for appointment on compassionate ground and the impugned letter dated 8.2.99 be quashed.

2. Vide the impugned letter dated 8.2.99 it appears that the Chief Post Master General Rajasthan Circle, Jaipur, in pursuance of order dated 12.10.98 passed in O.A No.624/96, has reconsidered the case of the applicant regarding his appointment on compassionate ground as the applicant was not found fit, therefore, the committee has rejected his case.

3. The contention of the learned counsel for the applicant in this case has been that while considering the case of the applicant in pursuance of this Tribunal's order dated 12.10.98, in O.A No.624/96, the respondents have not taken into consideration the financial position and indigent circumstances of the applicant, have rejected the case of the applicant.

4. Vide order dated 12.10.98 in O.A No.624/96, this Tribunal had directed the respondents to reconsider the applicant's case for grant of appointment on compassionate ground to a Group-D post after verifying the relevant data in terms of rules, instructions and guidelines, on the subject within a period of four months from the date of receipt of a copy of this order. In this O.A the applicant challenged the order dated 4.11.96 passed by respondent No.3 by which the applicant was denied appointment on compassionate ground. No contempt application was moved by the applicant stating that the order of the Tribunal in O.A No.624/96 was not complied with by the respondents. Admittedly, widow of the deceased is

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drawing only family pension and Dearness relief thereon and vide order dated 8.2.99 the respondents again reconsidered the case of the applicant for appointing him on compassionate ground but the Committee did not find favour and the case of the applicant was rejected.

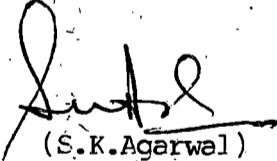
5. No reply was filed by the respondents.

6. The learned counsel for the applicant submits that the impugned letter dated 8.2.99 is a nonspeaking order which does not mention whether the financial position/indegent circumstances of the applicant have been considered by the Committee before passing the impugned letter dated 8.2.99.

7. It appears that the letter dated 8.2.99 is not a detailed and speaking order which does not mention whether the Committee had considered the financial position and indegent circumstances of the applicant before passing the impugned order. In the earlier O.A. filed by the applicant, this Tribunal made it very clear that merely the widow of the deceased is getting only a family pension of Rs.325/- plus Dearness relief thereon is no ground for refusing the applicant's appointment on compassionate ground as it is very difficult to sustain a family of three members on the meager amount of pension. But the impugned order does not make it very clear what are those grounds on the basis of which the Committee rejected the claim of the applicant. Definitely the impugned order is a nonspeaking, therefore, I am of the considered view that the order dated 8.2.99 is not sustainable in law.

9. I, therefore, allow this O.A. and quash the order dated 8.2.99 issued by respondent No.3 and direct the respondents to reconsider the case of the applicant for giving appointment on compassionate ground in pursuance of the decision dated 12.10.98 passed in O.A. No.624/98 and pass a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order.

10. No order as to costs.


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