

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.134/2001

Date of order: 4/10/2001

1. Jayvir Singh, S/o late Sh.Girraj Prasad Verma, R/o
Village & Post Roopwas, Distt.Bharatpur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Deptt of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Dholpur Division, Dholpur.

...Respondents.

Mr.C.B.Sharma : Counsel for applicant

Mr.N.C.Goyal : for respondents.

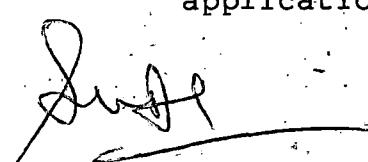
CORAM:

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

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

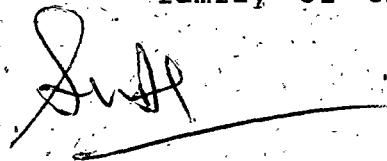
In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to quash and set aside the letter dated 23.2.2001 (Annex.A1) and to direct the respondents to consider the applicant for appointment on compassionate grounds.

2. In brief, facts of the case as stated by the applicant are that father of the applicant who was working on the post of Sub-Postmaster, Roopwas expired on 10.8.96 after prolong illness of cancer leaving behind him his widow 2 sons and 3 daughters. It is stated that the applicant who is younger son of late Sh.Girraj Prasad Verma, the deceased employee is 10th standard passed, and he submitted his application for appointment on compassionate ground but his



application was rejected by the respondents' department vide letter dated 23.2.2001. On a perusal of Annx.A1, it appears that the application of the applicant was rejected on the ground that no indigent circumstances exist in the family of the deceased as the widow is getting family pension to the extent of Rs.3025/- plus Dearness relief, she has been paid terminal benefits of Rs.248093/- and the widow is having residential house. It is stated that the decision of the respondents not giving appointment to the applicant is erroneous and arbitrary as the family pension of the widow is to be reduced by 50% after 11.8.2003 and younger sister of the applicant is still unmarried, therefore, rejection of the application of the applicant is against the provisions of Articles 14, 16 and 21 of the Constitution of India. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply it is stated that the Circle Selection Committee has considered the case of the applicant and taken into consideration the various factors such as liability of the family, education of minor children, marriage of daughter, availability of dependable and secure shelter, financial condition of the family, etc. and the Committee did not find the family in indigent circumstances, therefore, the case of the applicant was rejected and communicated to him vide letter dated 23.2.2001. It is stated in the reply that object of compassionate appointment is only to render immediate assistance to the family of the government servant who dies in harness, leaving his family in financial crisis but the Circle Selection Committee has clearly observed that the family of the applicant is not in indigent circumstances



therefore, rejected the claim of the applicant. Therefore, the applicant has no case.

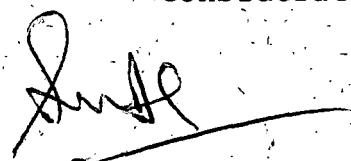
4. Heard the learned counsel for the parties and also perused the whole record.

5. In catena of cases, Hon'ble Supreme Court has been of the view that while considering the candidature of applicant for appointment on compassionate grounds, the department must examine the financial status and position as to whether the family of the deceased employee needs any help to survive or there exist any indigent circumstances in the family of the deceased employee who was only the bread earner of the family.

6. 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 crisis, the object is not to give a member of such family a post much less a post held by the deceased.

7. 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 dependant of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family.

8. 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 pecury 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.

9. In Haryana State Electricity Board & Anr. Vs. Hakim Singh, JT 1997(8) SC 332, Hon'ble Supreme Court has pointed out that the rule of appointment in public services is that it should be on merits and through open invitation. It is the normal route through which one can get into public employment. However, as every rule can have exceptions, there are a few exceptions to the said rule also which have been evolved to meet certain contingencies. As per one such exception relief is provided to the bereaved family of a deceased employee by accommodating one of his dependents in a vacancy. The object is to give succour to the family which has been suddenly plughed into penury due to the untimely death of its sole bread winner. It has been pointed out that such relief should not be taken as opening an alternative mode of recruitment to public employment.

10. In Om Pal Vs. Union of India, 2000(5) SLR 508, the Punjab & Haryana High Court held that if widow is getting regular pension, having already received full terminal benefits, claim of the petitioner to compassionate appointment is not justified.

11. In the instant case, the widow received retiral benefits to the tune of Rs.248093/- and getting family pension of Rs.3025/- plus dearness relief per month and she is having residential house. It is also a fact that two daughters of the widow are already married, therefore, in the facts and circumstances of this case and settled legal position, I am of the opinion that the applicant is not



entitled to be considered for appointment on compassionate ground.

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



(S.K. Agarwal)

Member (J).