

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.154/2001 Date of order: 9.1.2002

Amit Khaksa, S/o late Sh.Jogendra Khaksa, R/o A-20
Sen Colony, Power House Road, Banipark, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Mini. of Communi-
cation, Deptt. of Post, New Delhi.
2. Chief Post Master General, Sardar Patel Marg, Jaipur
3. Sr.Suptd.of Post Office, Jaipur City Divn, Station
Road, Jaipur.

...Respondents.

Mr.P.P.Matnur : Counsel for applicant

Mr. Mr.N.C.Goyal : counsel for respondents.

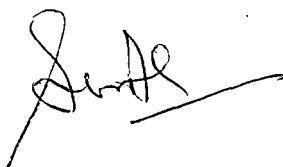
CORAM:

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

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

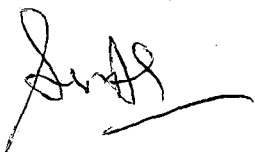
In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to reconsider the case of the applicant for appointment on compassionate ground to the post of Postal Assistant or any other suitable post. A prayer has also been made to direct the respondents to place the name of the applicant in waiting list for granting him appointment on compassionate ground.

2. Facts of the case as stated by the applicant are that father of the applicant Sh.Jogendra Khaksa died on 3.3.97 while in service. The mother of the applicant Smt.Rampyari Devi made a request for granting appointment on compassionate grounds to the applicant but the same was rejected vide order dated 8.3.2001 (Annx.A1) on the ground



that the family circumstances of the applicant does not appear to be indigent so as to require immediate relief. It is stated that the respondents' department has erroneously rejected the claim of the applicant without assessing the financial conditions of the family and rejected on the ground that the family received Rs.1,46,433/- as terminal benefits and the widow is getting family pension Rs.1862/- per month. It is also stated that the rejection of the claim of the applicant to keep his name in waiting list for appointment on compassionate ground is also illegal. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply, it is stated that the applicant's case was considered as per the government instructions on the subject and after considering his case objectively, the same was rejected as the deceased has left no liability like marriage of any daughter or education of children upon the widow/applicant. It is stated that the applicant's father died on 1.3.98 and not on 3.3.97. It is also stated that the applicant's mother was paid terminal benefits Rs.146,433/- and she is getting family pension Rs.1862/- plus Dearness relief per month. Therefore, under the circumstances, the family is not suffering from any financial crisis as claimed by the applicant. It is also stated that appointment on compassionate ground are restricted to 5% of the vacancy only and there are already a waiting list of 8 candidates approved for this purpose, therefore, no useful purpose would be served to keep the name of the applicant in waiting list hence the representation of the applicant was rejected. Thus, the applicant has no case.



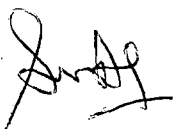
4. Heard the learned counsel for the parties and also perused the whole record.

5. In catena of cases, Hon'ble Supreme Court has been of the view that while considering the candidature of the applicant for appointment on compassionate ground 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 the only 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 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 hold 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 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'.

8. In the case of Director of Education & Anr, (1998) 5 SCC 192, 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



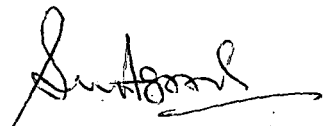
both ends meet, a provision is made for giving gainful appointment to one of the dependents of the deceased who may be eligible for such appointment.

9. On the basis of the above decisions of Hon'ble Supreme Court, it becomes abundantly clear that compassionate appointment can only be given when there is emergent nature of crisis on account of death of the deceased government servant or because of death of the bread earner the family of the deceased cannot survive.

9. In the instant case, the deceased employee died on 1.3.98 and the widow of the deceased has been paid Rs.146,433/- as terminal benefits and she is also getting family pension Rs.1862/- plus Dearness Relief per month. There is no liability of marriage/education of children upon the widow or the applicant which has been leftover by the deceased employee.

10. In view of the settled legal position and facts and circumstances of this case, I am of the considered opinion that the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

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



(S.K. Agarwal)

Member (J).