

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.428/2001 Date of order: 14/3/2002

Ameen Ahmed, S/o late Sh.Abdul Latif Khan, R/o Panch
Kuiyan Darwaja, Purani Tonk, Tonk.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Mini. of Telecommunication, Deptt of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt.of Post Offices, Tonk Division, Tonk.

...Respondents.

None present for the applicant

Mr.S.S.Hasan, proxy of Mr.S.M.Khan, counsel for respondents.

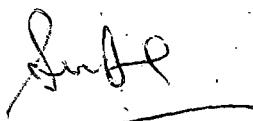
CORAM:

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 relief sought by the applicant is to direct the respondents to consider him afresh for appointment on compassionate grounds on a suitable post commensurate with his educational qualification.

2. In brief, the case of the applicant is that his father Sh.Abdul Latif Khan was serving as Mail Overseer in the department of Post at Tonk died on 20.2.91 while in service. It is stated that three sons of the deceased are already in employment during the life time of Sh.Abdul Latif and are living separately and not supporting the family of the deceased. It is stated that the burden of maintaining the family of the deceased i.e, the widow, her two daughters and the applicant is upon the shoulders of the widow alone.

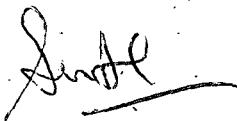


Therefore the mother of the applicant made a request for providing employment to the applicant on compassionate grounds but the same was rejected on the ground that the mother is getting family pension and received terminal benefits to the tune of Rs.90941/-, the family is in possession of residential house and there are three earning members in the family, therefore, the financial condition of the family does not appear to be indigent. It is stated that the respondents did not give objective consideration to the application of the applicant and denial of compassionate appointment is not just and proper. Hence, 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 met on 17.1.2001 and considered the case of the applicant for providing appointment on compassionate ground as per instructions issued from time to time and the same was rejected as the Committee did not find the case as indigent one and the same was communicated to the applicant vide Anxx.A1. It is stated that the father of the applicant expired on 20.2.91 but the application for appointment on compassionate grounds was filed on 12.1.96, after the applicant become major. It is made clear in the reply that the Circle Selection Committee has given detailed reasons and did not find the case of the applicant as indigent one therefore the Committee rejected the claim of the applicant after having objective assessment of the financial condition of the applicant. Therefore, the applicant has no case.

4. I have given anxious consideration to the averments made by both the parties and perused the whole record.

5. In catena of cases Hon'ble Supreme Court has been of

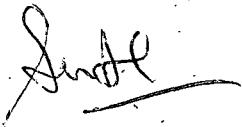


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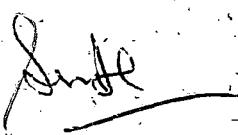
the view that while considering the candidature of the applicant for appointment on compassionate ground, the department must examine the financial status and position as to whether the family of the deceased employee needs any help to survive or there exist any indigent circumstances in the family of the deceased employee who was 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 dependent of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family. In the case of Union of India Vs. Bhagwan Singh, 1995(6) SCC 476, in Haryana State Electricity Board & Anr. Vs. Hakim Singh, JT 1997 (8) SC 332 and in Haryana State Electricity Board Vs. Naresh Tanwar 1996(2) SLR SC 11, the Hon'ble Supreme Court has taken a similar view.

8. In the case of State of U.P Vs. Paras Nath, AIR 1998 SC 2612, Supreme Court set aside the judgment of Allahabad High Court and laid down as under:

The purpose of providing employment to a dependent of a Govt servant dying in harness in preference to anybody else, is to mitigate the hardship caused to the family of the employee on account of his unexpected death while still in service. To

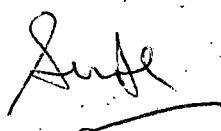


alleviate the distress of the family, such appointments are permissible on compassionate grounds provided there are rules providing for such appointment. The purpose is to provide immediate financial assistance to the family of a deceased Govt servant. None of these considerations can operate when the application is made after a long period of time such as seventeen years in the present case.

9. In Sanjay Kumar Vs. State of Bihar, AIR 2000 SC 2782, it has been laid down that such reservation on compassionate grounds are made only with an intent to provide immediate relief to the family of the deceased employee. There cannot be a reservation of a vacancy till such time as petitioner becomes major after a number of years unless there is some specific provision. The very basis of compassionate appointment is to see that family gets immediate relief.

10. In Narayan Bhattacharya & Anr. Vs. UOI & Ors, ATJ 2001(1) 601, Calcutta Bench of the Tribunal held that claim of appointment by the son of the deceased Govt employee on compassionate grounds is not sustainable because nearly 8 years have already expired after the death of Govt employee, therefore, emergent nature of crisis on account of death of employee cannot be said to have continued till now. Hence, the family cannot be said to be in considerable financial stringency.

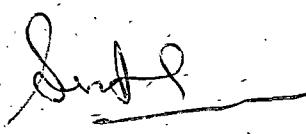
11. In the instant case, admittedly, the father of the applicant died on 20.2.91 and his 3 sons are already in employment and mother of the applicant is getting family pension and she has also been paid retiral benefits after



death of her husband. While rejecting the case of the applicant, the Circle Selection Committee vide the impugned letter dated 26/27.6.2001 gave detailed reasons and did not find the case of the applicant as indigent one regarding immediate relief. It is also evident that nearly 10 years have already expired after the death of the Govt employee, therefore, emergent nature of crisis on account of the death of deceased cannot be said to have continued till the date. Therefore, the family of the deceased cannot be said to be in considerable financial stringency. Hence, in view of the facts and circumstances of this case and settled legal position as mentioned above, the applicant has no case for interference by this Tribunal and I can only say that the respondents department has not committed any error in rejecting the candidature of the applicant for appointment on compassionate grounds vide the impugned letter dated 26/27.6.2001.

12. In view of the above, 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.

13. I, therefore, dismiss this O.A having no merits with no order as to costs.


(S.K. Agarwal)

Member (J).