

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.465/2001

Date of order: 20.11.2002

1. Vimla Kanwar, W/o Late Sh.Madan Lal
  2. Nand Kishore, S/o Late Sh.Madan Lal
- (Both are resident of Chungi Chowki, Ghugra Ghati, Jaipur Road, Ajmer.

...Applicants.

Vs.

1. Union of India through its Secretary, Deptt of Posts and Telegraph, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General Rajasthan Circle, Jaipur.
3. Sr.Superintendent, Deptt. Post, Ajmer Division, Ajmer.

...Respondents.

Mr.Sunil Samdaria - Counsel for applicants.

Mr.Arun Chaturvedi - Counsel for respondents.

CORAM:

Hon'ble Mr.G.C.Srivastava, Administrative Member

Hon'ble Mr.M.L.Chauhan, Judicial Member.

PER HON'BLE MR.G.C.SRIVASTAVA, ADMINISTRATIVE MEMBER.

ORDER (ORAL)

Heard the learned counsel for the parties. In this O.A, applicants (Vimla Kanwar, W/o late Sh.Madan Lal and Nand Kishore, S/o late Shri Mandan Lal) are aggrieved on account of the order passed by the respondents by letter dated 9/13.8.01 (Annx.A3), rejecting the request for compassionate appointment. Mr.Sunil Samdaria, has submitted that the applicants had earlier filed O.A No.465/2000 which was allowed by this Tribunal vide order dated 18.5.2001, directing the respondents to consider the candidature of the applicants for appointment on compassionate grounds after examining independently all the economic, social and other family circumstances and if ne/she

Cel

is found fit, his/her name may be included in the list prepared for providing appointment on compassionate grounds. This direction was to be complied within three months from the date of receipt of copy of the order. In pursuance of the above direction, the applicant had submitted a representation to the respondents vide letter dated 12.6.2001 (Annx.A2) which was considered by the respondents and the request rejected vide the impugned order dated 9/13.8.2001. Mr. Sunil Samdaria, submitted that the present impugned order merely says that Sh. Nand Kishore, son of the deceased employee, is already employed in private service. This has been clearly denied by the applicant in the O.A and the respondents have not rebutted the contention that he is not in private service. He says that it is not known as to how the respondents have come to the conclusion that applicant No.2 is in private job.

2. Shri Arun Chaturvedi, the counsel for the respondents has submitted that the representation of the applicants for compassionate appointment was carefully considered by the respondents and based on the information available to them, it was revealed that Sh. Nand Kishore, applicant No.2 was already employed in private service. He has also stated that as per the reply, the family has their own house to live in. Apart from the terminal benefits, family pension is also received by the wife of the deceased employee. However, he is not in a position to throw any light as to whether any detailed enquiry has been conducted by the respondents in order to come to the conclusion that applicant No.2, Sh. Nand Kishore, was in private job or not. He also says that at present there is no vacancy and the respondents have to follow the rules in regard to the limit of 5% quota and in all 13 persons are already in the waiting list which has since been scrapped.

ccf

3. After discussion at Bar, the counsel for both the parties agree that the applicant will be satisfied if directions are given to the respondents to conduct a detailed enquiry into the financial condition of the family of the deceased employee and particularly with reference to the private employment of applicant No.2, Sh.Nand Kishore, in order to arrive at a decision whether the family is in indigent condition and deserves to be given compassionate appointment in order to give relief to them. Accordingly, we direct the respondents to conduct a detailed enquiry into the financial condition of the applicants as also whether applicant No.2, Sh.Nand Kishore, is in private job or not. While conducting the enquiry, the respondents shall associate the applicants and after conclusion of the enquiry come to the finding in respect of the request of the applicants to grant one of them compassionate appointment, if they <sup>are</sup> found suitable for such appointment. The respondents shall pass appropriate order as per rules and regulations within three months from the date of receipt of a copy of this order. In order to enable the respondents to take the above action, order dated 9/13.8.01 (Annx.A3) is quashed and set aside.

4. With the above directions, the O.A stands disposed of with no order as to costs.

  
(M.L. Chauhan)

Member (J)

  
(G.C. Srivastava)

Member (A).