

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.523/2001

Date of order: 14/3/2002

Jitendra Sharma, S/o late Sh.Shri Gopal Sharma, R/o
Plot No.4, Jagdish Colony, Niwaru Road, Jhotwara,
Jaipur.

...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. Senior Supdt.of Post Offices, Jaipur City Postal Division, Jaipur.

...Respondents.

Mr.C.B.Snsrma : Counsel for the applicant

Mr.P.C.Sharma, proxy of Mr.Sanjay Pareek, 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 quash the letter dated 6.9.2001 and to direct the respondents to provide him appointment on the post of Postman on compassionate grounds.

2. In brief facts of the case as stated by the applicant are that father of the applicant Sh.Shrigopal Sharma, who was working as Public relation Inspector (Postal) died while in service on 4.1.95 and the applicant requested for appoint him on compassionate grounds. It is stated that the respondents approved the application for appointment on compassionate grounds on the post of Postman vide letter dated 9.1.96 and allotted Jaipur City Division.

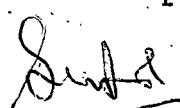
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with the direction that date of appointment will be intimated to him lateron. It is stated that in spite of the post available respondent No.3 did not appoint the applicant and conveyed to him that due to nonavailability of vacant post of Postman the applicant may submit his consent if he is willing to work in any other department of Central Govt vide letter dated 6.9.2001. It is stated that in this way, the applicant was forced to accept the post of Gramin Dak Sewak. It is also stated that after approval of the name of the applicant for the post of Postman, it is altogether unjust, arbitrary and unreasonable to force the applicant to give his consent for the post of Gramin Dak Sewak and being a model employer, it is the duty of the respondents to maintain the status of the family of the deceased. Therefore, the applicant filed this O.A for the relief as above.

3. No reply has been filed. The learned counsel for the respondents argued and stated at bar that the applicant was given appointment on compassionate grounds on the post of Gramin Dak Sewak Mail Carrier Vaishali Nagar D.S.O, Jaipur under relaxation of rules. Therefore, the claim of the applicant for the post of Postman does not survive. He has filed the order dated 30.1.2002 in support of his contention.

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

5. Merely, that name of a particular person has been included in the panel as approved candidate does not confer any right in favour of the applicant. On a perusal of record it appears that name of the applicant was approved under relaxation of recruitment rules on compassionate grounds and

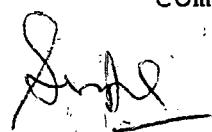


thereafter the applicant was allotted Jaipur City Postal Division vide order dated 4.8.99 but order of appointment was yet to be issued. On a perusal of the averments ~~maxed by~~ the applicant gave his consent vide Anxx.A5 and in pursuance of his consent the applicant was appointed on the post of Gramin Dak Sewak Mail Carrier Vaishali Nagar DSO, Jaipur, under relaxation of rules on compassionate grounds vide order dated 30.1.2002.

6. The Apex Court in State of M.P & Ors Vs. Ramesh Kumar Sharma (1994) 28 ATC 707, it was held that the respondent had no right to any particular post of his choice. He can only claim to be considered for the post. In the instant case, the candidature of the applicant has already been considered for the post of Gramin Dak Sewak Mail Carrier Vaishali Nagar DSO Jaipur, after obtaining his consent and appointed vide order dated 30.1.2002.

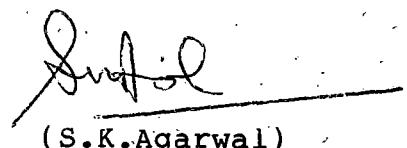
7. Patna High Court in Arbind Singh & Ors. Vs. State of Bihar & Ors 2002(1) ATJ 199, similar view was followed taking into consideration of the decision in Umesh Kumar Nagpal Vs. State of Haryana & Ors, 1994(4) SCC 138 wherein the Hon'ble Supreme Court observed that "If the dependent of the deceased employee finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic clamity". Therefore, in view of the facts and circumstances of this case and judgments of the Apex Court as aforesaid, the applicant has no case.

8. In the instant case, no doubt, the name of the applicant was approved by the respondents' department for the post of Postman under relaxation of rules on compassionate grounds but later on due to nonavailability of



post in that division the applicant was asked to give his consent for appointment in other department to which the applicant has rightly gave his consent. No coersive means appears to have been adopted while obtaining the consent of the applicant and after the applicant given his consent, he was appointed on the post of Gramin Dak Sewak Mail Carrier Vaishali Nagar DSO, Jaipur, vide order dated 30.1.2002. Therefore, in my considered opinion the order dated 30.1.2002 is perfectly legal and valid and the applicant has no case for interference by this Tribunal.

9. In view of above, I dismiss this O.A as having no merits with no order as to costs.



(S.K. Agarwal)

Member (J).