

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 16.07.02

OA No.195/2002

Rohit Singh, aged about 29 years, s/o late Shri Chhotu Lal
r/o 518B/38, Behind Pili Kothi, Mədar Ka Naka, Gulab Bari,
Ajmer.

.. Applicant

Versus

1. Union of India through the Chief Post Master General, Rajasthan Circle, Jaipur
2. The Superintendent, R.M.S. "J" Department of Post, Ajmer Division, Ajmer.

.. Respondents

Mr. Vinod Goyal, proxy counsel of Mr. Virendra Lodha,
counsel for the applicant

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R

Per Hon'ble Mr. H.O.GUPTA, Member (Administrative)

The applicant is aggrieved of the order dated 28.9.2001 (Ann.A1) whereby his request for appointment on compassionate grounds was rejected by the respondents. He has prayed for quashing the said order and for appropriate directions to the respondents to consider his case for giving suitable appointment on compassionate grounds commensurate to his qualification, forthwith.

2. The case of the applicant as made out, in brief, is that:-

2.1 His father, late Shri Chhotu Lal, while working

as Sorting Assistant with the respondents died on 10.2.2001, as may be seen from the death certificate at Ann.A2. His mother moved an application dated 25.3.01 (Ann.A3) to the respondent No.2 praying for the appointment of the applicant on compassionate grounds stating that after the death of the applicant's father, there is no earning member in the family. The request was rejected through the impugned order on the ground that there is no heavy liability except marriages of two sons and education of one son and that no indigency is found in this case and further that all the three sons are grown up and can contribute towards the earning of the family.

2.2 There is no earning member in the family. Further that the applicant's mother had been given pension and other terminal benefits which are admissible to the other employees. There is no house in the name and title of the applicant or his mother. The house is an ancestral house having 3 rooms and one kitchen which is divided in the family members. In these circumstances, there is no justification for rejecting the case of the applicant.

2.3 He made representation dated 10.10.2001 (Ann.A4), seeking copies of rules/order to enable him to appeal against the impugned order, but no reply was received, hence this OA.

3. The main grounds taken by the applicant are that:-

3.1 The impugned order is illegal because there is no earning member in the family. The applicant has two younger brothers who are also fully depended upon the applicant's mother and if the applicant is not given

appointment on compassionate grounds, the entire family shall be ruined.

3.2 The house was constructed by the applicant's grand-father and the applicant has a joint family in which all the family members are staying.

3.3 It is well settled proposition of law in service jurisprudence that the compassionate appointment is required to be given immediately to the dependent who submits an application within the stipulated period in order to remove the distress of the family on account of death of the breadwinner and by no stretch of imagination, the respondents could have denied suitable appointment on the ground that there is no heavy liability.

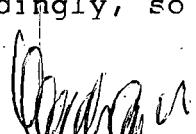
4. Heard the learned counsel for the applicant at length.

4.1 The respondents have considered the case of the applicant and rejected the same by the impugned order dated 28.9.01 (Ann. Al) stating that the applicant's mother is getting pension amounting to Rs. 2750/- plus Dearness Relief, per month. Terminal benefits to the tune of Rs. 429743/- have been paid. The applicant is in possession of residential house at Ajmer. There is one or two earning members in the family. There is no heavy liability except marriages of two sons and the education of one son. No indigency is found in this case. Moreover, all the three sons are grown-up and can contribute towards the earning of family. Further such appointment can be given only against 5% vacancies that arise against Direct Recruitment and, therefore, only most deserving candidates are approved under the compassionate appointment scheme.

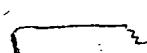
Hon'ble Apex Court that compassionate appointment can only be given in ~~the existence of~~ indigent circumstances, as the very purpose of grant of compassionate appointment is to provide immediate relief to the family which falls in distress because of the death of the bread-earner of the family.

4.3 During the course of arguments, the learned counsel for the applicant relied on the judgment dated 19.11.2001 decided in OA No.299 of 2001 in the case of Nirmala Devi. V. Union of India and ors. by the CAT-Jaipur Bench praying for directions to the higher authorities of the respondents to reconsider the case in the light of this judgment. This case relied upon is of a Railway employee. The Railways have liberal provisions in their scheme whereas in the present case, the respondents are guided by the scheme framed by the DOPT. It has been observed in the said judgment that the provisions of the scheme in Railways are very liberal which provides appointment on compassionate grounds in almost all cases. But in the present case, the applicant is governed by the scheme formulated by the DOPT as followed by the Postal Department to which the deceased belonged and which, inter alia, provides filling up of only 5% vacancies arising in Direct Recruitment quota by appointment on compassionate grounds.

5. In view of above discussions, we are of the firm view that no useful purpose will be served by giving notices and prolonging the case and that the OA is required to be dismissed at the admission stage. Accordingly, so ordered.


(M.L.CHAUHAN)

Member (Judicial)


(H.O.GUPTA)

Member (Administrative)