

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.31/2002

Date of order: 14/3/2002

Govind Prakash Sharma, S/o late Sh. Sita Ram Sharma,
R/o Vill. Nangal, P.O. Udaipurwati, Distt. Jhunjhunu.

...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, Jhunjhunu Division, Jhunjhunu.

...Respondents.

Mr. P. N. Jati : Counsel for the applicant

CORAM:

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

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

The relief sought by the applicant in this O.A is to quash the letter dated 2.3.2001 and to direct the respondents to consider the applicant for appointment on compassionate grounds.

2. In brief, the case of the applicant as stated by him are that father of the applicant died in the year 1986 leaving behind him his widow, three daughters and one son (the applicant). It is stated that the applicant was only 5 years old at the time of death of his father. Now he has passed 10 + 2 examination. It is stated that the applicant submitted an application for appointment on compassionate grounds on 29.11.99 which was rejected on the following grounds:

- i) Candidates are waiting for appointment since 1996

Singhal

- ii) Widow is getting family pension of Rs.1275/- + DR per month.
- iii) Terminal benefits to the tune of Rs.35,628/-
- iv) Widow is in possession of residential house.
- v) Applicant himself is grown up.

Therefore, the financial condition of the family of the deceased does not appear to be indigent requiring immediate relief.

3. Heard the learned counsel for the applicant for admission and perused the whole record.

4. In Jagdish Prasad Vs. State of Bihar, (1996) 1 SCC 301, Hon'ble Supreme Court held that the very object of appointment on compassionate grounds is to relieve unexpected immediate hardship and distress caused to the family.

5. 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

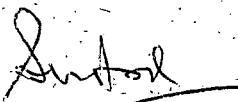
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present case.

6. In Sanjay Kumar Vs. State of Bihar, AIR 2000 SC 2782, it was held that such reservation on compassionate grounds are made only with an intent to provide immediate relief to the family of the deceased employee. It is further held that 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.

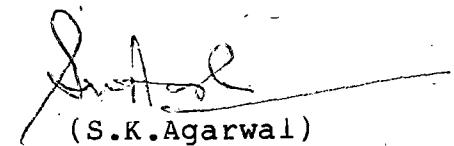
7. In Narayan Bhattacharya & Anr. Vs. UOI & Ors, ATJ 2001(1) 601, Calcutta Bench of the Tribunal held that claim of appointment by the son of the deceased Govt employee on compassionate grounds is not sustainable because nearly 8 years have already expired after the death of Govt employee, therefore, 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.

8. In the instant case, admittedly, the father of the applicant died on 2.12.86 and at the time of his death the applicant was only 5 years old and now he claims to be major. It is also evident that more than 15 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. Not only this but there is no other responsibility on the shoulders of the applicant which was left over by the deceased employee. Therefore, in view of the facts and circumstances of the case and settled legal position as mentioned above, the



applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed at the stage of admission in limine.

9. I, therefore, dismiss this O.A having no merits in limine.



(S.K. Agarwal)

Member (J).