

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 18.09.2003

OA No.512/2002 with MA No.366/2003

Rinku Sharma s/o Shri Pillu Ram (Pitamber Dayal Sharma)  
aged about 21 years, r/o village Garh Barai P.O. Garh  
Basai, Teh. Thana Gaji, Distt. Alwar.

.. Applicant

Versus

1. Union of India through the Secretary to the  
Government of India, Department of Posts, Dak  
Bhawan, New Delhi.
2. Chief Postmaster General, Rajasthan Circle,  
Jaipur-7.
3. Sr. Supdt. of Post Offices, Alwar Dn., Alwar.

.. Respondents

Mr. P.N.Jatti, counsel for the applicant.

Mr. N.C.Goyal, counsel for respondents

CORAM:

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

O R D E R (ORAL)

The applicant is aggrieved of the orders dated  
21.1.2002 and 19.9.2001 (Ann.A/1 and Ann.A/1A) whereby<sup>his</sup>  
request for appointment on compassionate grounds has been  
rejected by the respondents. In relief, he has prayed for  
quashing the aforesaid orders and also directions to the  
respondents to provide appointment on compassionate  
grounds to save the family from distress, on various  
grounds stated in the application.

2. Briefly stated, facts of the case as stated by  
the applicant, are that the father of the applicant, Shri

Pillu Ram Sharma, while working as Extra Departmental Branch Post Master (EDBPM), Garh Basai expired on 11.11.2000. The deceased employee left behind the following members of the family:-

- |    |                 |    |                  |
|----|-----------------|----|------------------|
| 1. | Smt. Geeta Devi | 48 | Wife             |
| 2. | Manoj Kumari    | 30 | Daughter-married |
| 3. | Mamta Kumari    | 28 | Daughter-married |
| 4. | Mukesh          | 26 | Son-unmarried    |
| 5. | Bama Kumari     | 24 | Daughter-married |
| 6. | Rinku Sharma    | 20 | Son-unmarried    |
| 7. | Hemant Sharma   | 17 | Son-unmarried    |

2.1 It is further stated that the family of the deceased has got nothing in lieu of retiral benefits and as such the untimely death of Shri Pillu Ram Sharma has put the family in distress and in quite indigent circumstances. The applicant has further stated that there is a rule in the Department of Posts on the subject that the appointment on compassionate grounds will be provided to the dependent of the deceased person. Photocopy of the rule has been annexed with the OA as Ann.A4.

2.2 It is averred that the applicant fulfills all the conditions which are essential for appointment of a candidate as EDBPM. Inspite of fulfilling the requisite qualification and criteria laid down for appointment on compassionate grounds, the respondents have arbitrarily rejected his request vide the impugned orders Ann.A/1 and Ann.A/1A. His case was rejected on the following grounds:-

- a) The family is having additional income of Rs. 1200 p.m.
- b) The family is having their own house worth Rs. 3 lakhs.
- c) There is one earning member, Shri Mukesh Sharma

by

and all daughters are married.

3. The respondents have contested this application by filing reply. In the reply it has been stated that application of the applicant dated 21.12.2000/18.3.2001 for considering the case under relaxation of recruitment rules was placed before the Circle Relaxation Committee. The Circle Selection Committee (CSC) after taking into account the liability of the family like education of minor children, marriage of daughter, availability of dependents and secure shelter, financial condition and availability of vacancy for the purpose observed that elder son of the deceased, Shri Mukesh is an earning member and is employed in a private concern with salary of Rs. 2000 p.m. as stated in the proforma regarding employment of dependent of Govt. servants dying in harness/retired on invalid pension by Smt. Geeta Devi wife of late Shri Pillu Ram Sharma. Moreover, all the three daughters are married. There is no minor in the family. The family has a house to live, cost of which is Rs. 3 lakhs. Two major sons can help towards earning of the family and the family has an additional income of Rs. 24000/- per annum (son's income). Moreover, wife of late Shri Pillu Ram was also paid Rs. 18000/- as ex-gratia gratuity, Rs. 30000/- as severance allowance and Rs. 11154 as EDGIS i.e. total Rs. 59154/- and taking into account all above facts, the Committee was of the opinion that there is no indigency in the case and rejected the case vide the impugned order.

4. The applicant has controverted the contentions of the respondents by filing rejoinder. The applicant has

*ll*

submitted that the case of the applicant has not been properly considered. The family is running in indigent circumstances because - (i) The widow has got no pension, (ii) There is no source of income with the widow, (iii) No source of income with the applicant Rinku Sharma, (iv) No source of income with Hemant Sharma, (v) There is no income of the family by any source, therefore, the family is running in indigent circumstances, and (vi) liability on the family are there as all the 3 sons are unmarried and at the time of death one son was minor and student. Therefore, the respondents had not considered the prayer of the applicant and application for compassionate appointment has been rejected arbitrarily. It is further stated that the family is passing through indigent circumstances.

5. We have heard the learned counsel for the parties and perused the record.

5.1 When the matter was listed for hearing on 12.8.03, this Tribunal admitted the application and further directed the respondents to produce the relevant records in order to justify as on what basis the respondents have come to the conclusion that the family has additional income of Rs. 1200 p.m. and also copy of the enquiry report conducted pursuant to the representation of the widow dated 3.12.02 (Ann.A8). In this representation the widow, Smt. Geeta Devi Sharma specifically stated that the officer who visited the BO Garh Basai to get the papers completed for compassionate appointment had not acted in the manner required under the rules and discharged his onus of being govt. officer. His advise as regards extra annual income of the son and

valuation of residential house is factually incorrect. However, perturbed family members had to act as per his advice which resulted in cancellation of candidature of my son for the post of EDBPM. It is further stated in this representation that Shri B.L.Kanwat, SDI (P), Rajgarh is a person behind the episode who was interested to oblige his relation. The case of compassionate appointment has been spoiled on account of ill advise of Shri B.L.Kanwat. In such circumstances, a proper enquiry should be held regarding factum of additional income as well as earning member as according to her, elder son Shri Mukesh was not residing with her and not maintaining the family and there was no additional income as well as any income from any source. Thereafter, the matter was adjourned from time to time.

5.2 The respondents have filed Misc. Application No.366/2003 for placing documents on record. In para 2 of this application it has been stated that the complaint made by the applicant's mother Smt. Geeta Devi to the Chief Post Master General, Rajasthan Circle, Jaipur vide letter dated 19.9.2001 (Ann.MA R/1) alongwith the resolution of the Panchayat for making the <sup>inquiries</sup> ~~queries~~ on the subject and making complaint of the inspector (Ann.MA R/2) was received. The Chief Postmaster General, Rajasthan Circle Jaipur has written a letter dated 10.10.2001 (Ann. MA R/3) to the Senior Superintendent of Post Offices, Alwar Division, Alwar (SSPO, Alwar) seeking clarification on the points raised by the mother of the applicant. The SSPO, Alwar submitted his report vide letter dated 18.10.2001 which has been annexed as Ann.MA R/4. It is further stated in this application that since the case of the applicant for compassionate appointment has already

62

been rejected by the CSC it was not thought proper to change the decision of the Committee. Hence, the representation of the applicant was rejected and the applicant was informed accordingly vide letter dated 09.01.2002 (Ann.MA R/5).

5.3 Thus from the facts disclosed in the MA, it is quite evident that the case of the applicant for compassionate appointment was considered by the CSC on the basis of documents which were got signed from the family members by one Shri B.L.Kanwat, SDI (F), Rajgarh against whom a complaint has been made by the mother of the applicant as well as a resolution has also been passed by the Panchayat indicating that the papers for compassionate appointment were prepared at the instance of the Inspector Shri B.L.Kanwat. There is no additional income with the family. Brother of the applicant is living separately and does not render any assistance to the family. Additional income of Rs. 1200<sup>00</sup>~~p.m.~~ is factually incorrect. The family is not earning even Rs. 1200/- per annum. These facts were got verified from the SSPO, Alwar who has submitted his report vide Ann.MA R/4. In the report it has been clearly indicated that though the family owns a house with present valuation of Rs. 3 lakhs but there is no possibility of getting any rent from this house. The widow is a priest in village temple and that is the only source of her income. Regarding additional income of Rs. 1200<sup>00</sup>~~p.m.~~ on account of 'Panditai', this fact has not been substantiated by the Sarpanch and it has been stated that there is practically no income from this source. The elder son of the widow Shri Mukesh Sharma is in private service but he is not rendering any assistance to the family. According to the version of the SSPO, Alwar the matter for compassionate

62

appointment is required to be reconsidered.

5.4 Admittedly, this report which is favourable to the applicant was not placed before the CSC. The CSC took into consideration the documents which were got filled by the inspector indicating additional income of the family as Rs. 1200 p.m. and that one son of the widow who is employed in private concern is earning Rs. 2000 p.m. and thus the family is having additional income of Rs. 24000/- p.a. (son's income) had been found to be incorrect as can be seen from the report of the SSFO, Alwar (Ann.MA R/4). As such the matter of the applicant for granting compassionate appointment was not considered in right prospective and the same was rejected by the CSC on the basis of wrong information regarding additional income of the family as also taking into account the income of his son who was leaving separately. It is not disputed that the widow is not getting any family pension. The only retiral benefits which have been received by the family were Rs. 59154/- in all. Had the report as submitted by the SSFO, Alwar (Ann.MA R/4) been placed before the CSC, it may be just possible that the Committee would have taken decision which would have been favourable to the applicant.

5.5 Under these circumstances, I am of the view that the matter has not been considered in right prospective and wrong facts regarding additional income of the family as well as additional income of Rs. 24000/- p.a. on account of son's income were placed before the CSC which resulted into passing of the impugned orders Ann.A1 and Ann.A1/A. Accordingly, it is directed that the matter shall be again placed before the CSC which will consider



the matter afresh in the light of the report of the SSPO, Alwar dated 18.10.2001 (Ann.MA R/4). Such exercise shall be undertaken within a period of 3 months from the date of passing of the order.

6. The OA as well as the MA are disposed of accordingly. No order as to costs.

  
(M.L. CHAUHAN)

Member (J)