

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 53/2002
T.A. No.

199

HVC

May kindly see
17/1/2003
Ln

DATE OF DECISION _____

Pramod Kumar Gupta

Petitioner

Mr. C. B. Sharma

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr. B. N. Sandu

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman

The Hon'ble Mr. A.P.Nagrath, Adm.Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(A.P.Nagrath)
Member (A)

(G.L.Gupta)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 17/11/2003

OA 53/2002

Pramod Kumar Gupta s/o Late Shri Makhan Lal Gupta r/o Village & Post Niwana (Etawa Bhopji) Shahpura, Distt. Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt. of Post Offices, Jaipur Mofussil Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR. JUSTICE G.L. GUPTA, VICE CHAIRMAN

HON'BLE MR. A.P. NAGRATH, ADM. MEMBER

For the Applicant

... Mr. C.B. Sharma

For the Respondents

... Mr. B.N. Sandu

O R D E R

PER MR. A.P. NAGRATH

Father of the applicant was EDBPM, Niwana, who expired while in service on 29.3.2000. After the death of his father, the applicant was allowed to work on provisional basis as EDBPM, Niwana, w.e.f. 29.3.2000. Separately, the applicant submitted an application for his appointment to the said post on compassionate grounds. His provisional service as EDBPM was terminated vide memo dated 21.9.2001 and he handed over charge of the said post to one Shri Babulal, EDMC, on 6.1.2001. By order dated 19.9.2001 (Ann.A/2) his request for appointment on compassionate grounds was turned down. Against this order he submitted an appeal, which was considered and rejected by order dated January, 2002 (Ann.A/1). By filing this OA, the applicant has made a prayer that these orders dated 19.9.2001 (Ann.A/2) and January, 2002 (Ann.A/1) be quashed and the respondents be directed to reconsider his case to appoint him on compassionate grounds.

2. The related facts, as stated by the applicant, are that on death of his father the family received an ex-gratia gratuity of Rs.48000/-. His two elder brothers are married and are living separately and that there is no other source of income for the family. His plea is that the family is in a penurious condition and to manage their living the applicant deserves to be appointed on compassionate grounds.

3. In their reply to the notice of this OA, the respondents have stated


that all three sons of the family are major and two of them are already employed. Daughter of the family is already married. One son is running a shop in the village and another son is a teacher in a private school. The family is stated to be in possession of half Beegha agriculture land and that they are living in their own house. All these facts have been taken into consideration while deciding the request of the applicant and no justification has been found in his case for being appointed on compassionate grounds. The respondents claim to have made an objective assessment of the financial condition of the family and their liabilities and have concluded that the case has no merits. It has also been brought out that late Shri Makkhan Lal Gupta was due superannuation on 27.10.2001. On his superannuation also the family would have received the same amount of ex-gratia gratuity as has already been received by the family and no case of appointment on compassionate grounds would have arisen.

4. Heard the learned counsel for the parties.

5. Instructions regarding compassionate appointment in respect of E.D.Agents are analogous to the instructions which apply in the case of regular employees of the Government who die in service or retire on invalid pension. The instructions stress that such employment to the dependants should, however, be given only in very hard and exceptional cases. The facts of the case reveal that in the family except widow of the ex-employee i.e. mother of the applicant and the applicant himself are the only two members who need to be looked after. The applicant himself was 28 years of age when his father expired. A person of 28 years of age cannot be considered as dependant on his father and in normal course of circumstances he cannot have any claim to be appointed on compassionate grounds. In the case of E.D.Agents, it is also known that no pension is payable after normal retirement. The only payment is ex-gratia gratuity. In the instant case, late Shri Makkhan Lal Gupta would have retired on 27.10.2001 and he unfortunately expired about year and a half before that date. Had he continued to live till the date of his superannuation, the family would have received the same amount of gratuity and would be similarly placed as now. We have noted the fact that even as per respondents own declaration the family could derive an annual income of only Rs.800/- per annum from the agriculture land i.e. hardly any income to reckon. But, in the instant case, we are faced with a situation where we find that the applicant himself is about 30 years of age and if he has remained unemployed, the death of his father cannot become an occasion for getting employment. He cannot be considered as a dependant and the appointment on compassionate grounds is given only to the dependant children and that too to tide over the indigent condition in which the family is put. As we have observed earlier, in this

case the condition is no more worse than what it would have been even if late Makkhan Lal Gupta would have continued to live upto the date of his superannuation. No special circumstances have been made out which could impel us to direct the respondents to reconsider the case of the applicant. The respondents have given due consideration to all the factors and they rejected the claim of the applicant for being appointed on compassionate grounds. We see no infirmity in the impugned orders.

6. Consequently, this OA is dismissed as having no merits. No costs.


(A.P.NAGRATH)
MEMBER (A)


(G.L.GUPTA)
VICE CHAIRMAN