

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH: JAIPUR.

O.A. No. 179/2003

Date of decision : 15.07.2004.

Smt. Madhu Pareek, w/o Dwaraka Prasad Pareek aged about 51 years resident of House No. 1573, Jat-ke-Kuan Ka Rasta, near Gopinath Temple, Rurani Bazar, Jaipur and wife of Dwarka Prasad Pareek, Ex. Postal Assistant. G.P.O., Jaipur.

Applicant.

rep. by Mr. P.N. Jatti: Counsel for the applicant.

VERSUS

1. Union of India, through the Secretary to the Government of India, Department of Posts, Ministry of Communications, New Delhi. 110 001.

2. Chief Post Master General, Rajasthan Circle, Jaipur.

3. Senior Superintendent of Post Offices, Jaipur City Division, Jaipur. 302 006.

Respondents.

rep. by Mr.T.P.Sharma: Counsel for the respondents.

CORAM:

Hon'ble Mr. J.K. Kaushik, Judicial Member.

ORDER

Mr. J.K. Kaushik, Judicial Member.

Smt. Madhu Pareek, has filed this Original Application assailing the order dated 10.02.2003, at Annex. A/1 with a further direction to the respondents to appoint her son on compassionate grounds vide her husband.

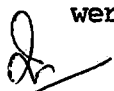
2. I have heard the learned counsel for the parties and have carefully perused the records of this case.

3. The admitted facts of this case necessary for resolving the controversy involved are that the applicant is the wife of late Shri Dwarka Prasad Pareek. Late Shri Dwaraka Prasad died in harness on 14.08.2001, while holding the post of Postal Assistant, GPO, Jaipur. The deceased Government Servant was survived with 8 dependent family members , which includes two unmarried daughters and one unmarried son. The terminal benefits to the tune of Rs.6,97,791 were

paid to the applicant. The applicant is getting family pension to the tune of Rs.3250/- + Dearness Relief per month. The applicant being illiterate applied for compassionate appointment to her son on a suitable post. Her son has passed Senior Secondary Examination and was a only male member who could be the bread-winner of the family. Her case came to be turned down vide Annex.A/1 on the ground that ample terminal benefits have been paid to her and her case was not found as a case of indigent condition after assessing the financial condition of the family in addition to there was constraint of vacancy position of the cadre. The Original Application has been filed on multiple grounds enunciated in para 5 and its sub-paras.


4. As regards the variances, the respondents have submitted that the deceased Government servant had completed 56 years 7 months at the time of his death and certain more amounts were paid to the family of the deceased Government servant. The applicant is presently getting a sum of Rs.5038/- per month as family pension and has been stated as not indigent. In addition to the above, the applicant also possess residential accommodation worth about Rs.1,00,000/-. Therefore the case of the applicant has not been found indigent on comparative assessment and there was scarcity of the vacancy. A short rejoinder has also been filed.

5. Both the learned counsel for the parties have reiterated their pleadings. The learned counsel for the applicant has submitted that GPF amount which was received by the applicant should not be taken into account while adjudging the indigency. He has also submitted that the case of the applicant ought to have been considered in accordance with OM dated 05.05.2003. The learned counsel for the respondents has reiterated that there were only two vacancies and persons who were in the more indigent circumstance than the applicant were recommended for appointment on compassionate grounds and the case



of the applicant was duly considered and the same has been turned down by adducing reasons for the same and therefore the respondents have not committed any illegality in the matter.

6. I have considered the rival submissions put forward on behalf of both the parties. The factual aspect of the case is not in dispute. Compassionate appointment has its own object. Compassionate appointment is an exception and is evolved to meet certain contingencies. There is no indefeasible right for appointment on compassionate grounds and compassionate appointment is not a normal mode of appointment. I have absolutely no reason to disbelieve the version of the respondents. It is not the case of the applicant that any person whose case is less indigent than the applicant has been appointed. I also observed that the family of the deceased Government servant cannot be said to be so indigent condition in as much as the family has regular income of over Rs.5000/- per month and she owns a house to live and considerable amount was paid to the applicant as terminal benefits. I am not impressed with the submission of the learned counsel for the applicant that the amounts saved by the husband of the applicant should not have been taken into account while adjudging the condition of the family of the deceased Government servant for granting compassionate appointment. I find no logic in it in as much as even the estate which have not been earned by the deceased Government servant and might have been inherited would also to be taken into account. The learned counsel for the applicant has not been able to show any rule in support of his contention. Thus the said contention is not well founded and cannot be accepted. In this view of the matter, I am of the firm opinion that the respondents have been fair enough and interference with the impugned order is not



called for by this Tribunal.

7. In the premise, the O.A sans merit and the same fails and stands dismissed accordingly. However, it would be open to the respondents to consider the case of the applicant's son against any other vacancy which might have fallen during three years period from the date of death of the deceased Government servant in pursuance with the OM dated 05.05.2003 at page 63 of the paper book. The parties are directed to bear their respective costs.

  
(J.K. Kaushik)

Judicial Member.

  
jsv.