

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of decision: 10.02.2004

OA No.255/2003

Dinesh Chaturvedi s/o late Shri Pam Gopal Sharma, aged about 23 years r/o village Punana, Post Punana, Distt. Jaipur.

.. Applicant

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Jaipur (MFL) Dn. Jaipur.

.. Respondents

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

Mr. N.C.Goyal, counsel for respondents

CORAM:

HON'BLE MR. BHAFAT BHUSHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

The applicant, Shri Dinesh Chaturvedi, seeks employment on compassionate grounds. Late Shri Pam Gopal Sharma, father of the applicant had been working as Extra Departmental Branch Post Master and subsequently as Gramin Dak Sevak, Village Punana, died in harness on 31.12.2002 leaving behind his widow one unmarried son, one unmarried daughter and another married son with his family. He applied for appointment on compassionate grounds urging therein that the family had very meagre income to support

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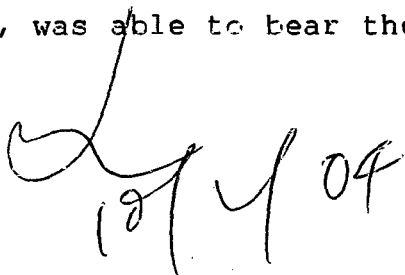
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which was hardly sufficient to make their both ends meet. However, vide Ann.A1, the application was rejected and the Committee appointed for the purpose while disposing the application held as under:-

- "1. The Ex GDS expired on 31.12.2002.
2. As per synopsis the Ex GDS had left wife, one married son and one unmarried son and one unmarried daughter.
3. The family had received terminal benefits to tune of Rs. 48000/-
4. In assets, the family has own house to live in.
5. The family has landed property 0.34 Hecter and is deriving income there from about Rs. 8000. P.A.
6. The elder son of deceased is married and reported living separately but he has not applied for the appointment."

Hence, feeling aggrieved, he has filed this application.

2. In the reply, filed on behalf of the respondents, it has been contended that the application of the applicant has been forwarded to the Chief Postmaster General, Rajasthan Circle, Jaipur for consideration of the case under relaxation of recruitment rules on compassionate grounds, but the Committee after considering the various office memorandums issued in this behalf came to the conclusion that the deceased employee had left behind his wife, two sons and one unmarried daughter and the elder son was married and earning his livelihood and thus, was able to bear the liability of the family. It has


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further been contended that the family^{had} received the terminal benefits to the tune of Rs. 48,000/- and the family has also its own house to live in and 0.34 Hectare of landed property from which it is deriving annual income of Rs. 8000/-. Hence, the Committee came to the conclusion that the financial condition did not appear to be indigent which requires immediate relief.

3. However, in the rejoinder filed by the applicant, he has explained the fact that from the so called annual income of Rs. 8000/- accruing to the family from the agricultural produce, they have to support as many as 7 members of the family and if calculated in that sense, the share of less than Rs. 100/- per month comes for each member and the said amount, according to him, is such a meagre that they cannot make their both ends meet.

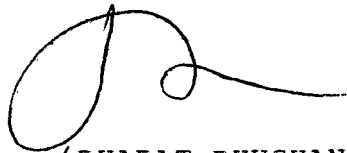
4. I have considered the rival contentions and have perused the record.

5. It is, of course, true that the object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from the financial distress and to help it to get over the emergency and the Apex Court^{too} has time and again observed that the High Courts and Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such appointment and that too only if the vacancy is available for the purpose. Keeping these guidelines and observations in mind, in my opinion, the main ground taken by the respondents into

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consideration while rejecting the claim is, that the family has landed property from which it is deriving income of Rs. 8000/- per annum, ^{but} and this fact has been adequately explained by the applicant in his rejoinder that such income comes to ^{only} Rs. 100 p.m. per member. This being so, it would be appreciable if the respondents pass a reasoned and speaking order while disposing of the compassionate appointment application of the applicant taking into consideration all the Office Memorandums issued by the Government from October, 1998 onwards.

6. With these observations, the OA stands disposed of.



(BHARAT BHUSHAN)

Member (Judl.)