

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of decision: 10.02.2004

Original Application No.265/2003

Smt. Kavita Keswani wd/o Laxmandas Keswani aged about 35 years, resident of 2-A-153, Mochion Ki Chhabil, Shastri Nagar, Jaipur and wife of Shri Laxmandas Keswani, Ex. Postal Assistant, Beawar (Raj).

.. Applicant

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Beawar Division, Beawar, (Raj).

.. Respondents

Mr. A.N. Mathur, counsel for the applicant

Mr. N.C.Goyal, counsel for the respondents.

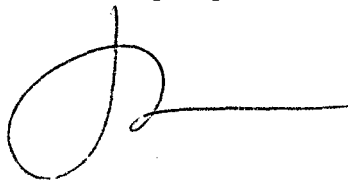
CORAM:

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

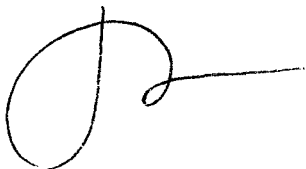
: O R D E R (ORAL) :

The applicant, the widow of late Shri Laxmandas Keswani, employed as Postal Assistant with the respondents had died in harness on 19.9.1995. Her request for compassionate appointment was rejected by the respondents vide Ann.A1 i.e. letter dated 11.2.2003. The said order of rejection has been impugned in this OA.

2. In the present OA, filed by the applicant on 4.6.2000, it has been urged that her husband had died on 19.9.95 leaving behind his widow i.e. the applicant and two minor children aged 14 years and 17 years and there was no family member to earn the livelihood and she was in dire need of employment on compassionate grounds.



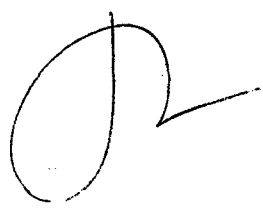
3. The respondents, while filing reply, have contended that the object of the scheme is to grant appointment on compassionate grounds to a dependent family member of the Government servant, who dies in harness thereby leaving behind the family in pecuniary and without any means of livelihood, but the Government while considering such requests for compassionate grounds has to take into consideration the availability of vacancy for such appointment, and that too within the ceiling of 5% of the vacancies falling under the direct recruitment quota within a period of one year and further that such employment can also be given to a really deserving case out of many other cases pending consideration at the relevant time. His contention is, that, in this case too, there were 45 posts of Postal Assistant for direct recruitment quota in the year 2001 and thus two vacancies i.e. 5% of the total number of vacancies, were earmarked for appointment on compassionate grounds, and accordingly, the case of the applicant alongwith other shortlisted candidates was considered against the said two vacancies for such appointment. And after drawing the comparative and objective assessment, 2 most deserving indigent cases were recommended against the available vacancies and the remaining cases including the case of the applicant was rejected due to non-availability of the vacancies. Thus, his contention, is that the respondents while doing so had taken into consideration various Office Memorandums issued with regard to compassionate appointment by the Government from time to time. The learned counsel has further drawn my attention towards the Apex Court judgment in the case of Life Insurance Corporation of India vs. Mrs. Asha



Pamchandran Ambekar and Others, JT 1994 (2) S.C. 183, wherein it has been held, that, High Courts and Administrative Tribunals can not give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment. The learned counsel for the respondents in support of his contention that the Tribunal under the circumstances has got a very limited role to play, while directing compassionate appointment, has relied upon the following rulings as well:-

- i) Order dated June 6, 2003 passed in OA No. 180/2002, Mohsin Ali vs. Union of India and ors., by the Jodhpur Bench of this Tribunal.
- ii) Order dated 4.10.2001 passed in OA No. 134/2001, Jaivir Singh vs. Union of India and ors., by the Jaipur Bench of the Tribunal.
- iii) Order dated 28.02.2003 passed in OA No.131/2002, Ashish Sharma vs. Union of India and ors., by the Jaipur Bench of the Tribunal.

4. I have considered the rival contentions. The learned counsel for the applicant while taking me through the impugned order (Ann.A1) has contended that though one of the grounds mentioned while rejecting the application of the applicant is, that, the family had received terminal benefits to the tune of Rs. 79,995/-, yet, he states that out of the said amount, unfortunately a sum of Rs. 63,934/-, which had earlier been taken as loan by her late husband from the respondents, was to be repaid, and thus, the said amount was deposited with the Government thereby leaving a very paltry amount. Though the learned



counsel for the respondents submits that this was a liability which was to be repaid by the applicant, yet, in my view, the fact can not be lost sight of that the applicant was thus actually left with a very very paltry amount, which can hardly be termed to be sufficient to support the family of 3 persons. Besides this, a sum of Rs. 620/- per month i.e. family pension being disbursed to her also appears to be too less an amount in order to make their both ends meet to the family of three persons.

5. Of course, it is true that the Tribunal is not to sit in appeal over the decision of the competent authority or to issue directions to the respondents, yet, to my mind, having regard to the circumstances as explained by the applicant, the case needs to be reconsidered by the respondents. And as such, it is desired that they may reconsider the case and thereafter pass a reasoned and speaking order.

6. With this, the OA stands disposed of. No order as to costs.



(BHARAT BHUSHAN)

Member (Judicial)