

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 21.07.2003

OA No.291/2003

Ramakant Chhonkar s/o late Shri Sri Chand Chhonkar aged 21 years, r/o Village and Post Dehra, Tehsil Nandbai, Distt. Bharatpur.

.. Applicant

Versus

1. Union of India through the Secretary to the Government, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, New Delhi.
2. The Secretary to the Government of India, Department of Post India, New Delhi.
3. The Chief Post Master General, Rajasthan Circle, Jaipur.
4. Superintendent of Post Offices, Bharatpur Division, Bharatpur.

.. Respondents

None appeared on behalf of the applicant.

CORAM:

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

O R D E R (ORAL)

Per Hon'ble Mr. M.L.Chaudhary

None has appeared on behalf of the applicant on 4.7.03 and 10.7.03. None has put in appearance on behalf of the applicant even today, when the matter was called for second time. It appears that the applicant is not interested in pursuing the matter. As such, the present application is dismissed for non-prosecution.

4

2. Even on merits, the applicant has not made out any case so as to interfere with the impugned order Ann.A1 dated 11.2.03. Vide this order the case of the applicant for compassionate appointment was considered by the Circle Selection Committee in its meeting held on 21.1.03 and the same was rejected on the following grounds:-

- "1- The ex-official expired on 12.5.2002.
- 2- As per synopsis, the ex-employee had left wife, two married sons and 3 married daughters.
- 3- As per educational qualification, the applicant was eligible for appointment on compassionate grounds on the post of Postman/Mail Guard.
- 4- The family is getting family pension amounting to Rs. 1650+DR per month.
- 5- The family had received terminal benefits to the tune of Rs. 4,14,138/-
- 6- In assists, the family has own house to live in.
- 7- The family has landed property 9 Bigas and Rs. 20000/- income P.A."

3. The main ground taken by the applicant in this OA is that the case of the applicant has not been considered by the respondents in an objective manner. The terminal benefits to the tune of Rs. 4,14,138/- has been spent by the mother of the applicant for satisfying the loan taken by the father of the applicant and further loans taken by the mother of the applicant in order to perform rituals and ceremonies at the time of death of his father. It is further averred that the applicant has still to pay the borrowings taken from the relatives and other persons by the father of the applicant. Further contention raised by the applicant in this OA is that the landed property is

not presently generating any income due to the drought in Rajasthan for the last 4 years. The applicant has not placed any contemporaneous material on record to substantiate his averment. The family consists of only widow and 2 major sons. The daughters are already married and as such they are not the liability of the family. The family is getting a family pension of Rs. 1650+ DR per month and also received terminal benefits to the tune of Rs. 4,14,138/-. Further, the applicant has not disputed that they are in possession of landed property comprising of 9 bighas and has also own a house to live in. In such circumstances, where the family consists of only widow and 2 major sons, it cannot be said that the family is in such an indigent circumstances so as to warrant compassionate appointment. It may also be added here that even a major son after attaining the age of 21 years is not entitled to pensionary benefits as per rule 54 of the CCS (Pension) Rules. Thus, it cannot be said that major sons are liability on the family, more particularly and in view of the fact that the Apex Court has repeatedly said that the compassionate appointment is exception to equality clause as laid down under Article 14 and 16 of the Constitution as it affects the right of other eligible persons from open market to seek employment, such appointment has to be given only in exceptionally and deserving cases where the family is passing in real financial crisis. Such appointment cannot be sought as a matter of right and more particularly when there are limited number of vacancies viz. 5% of the total direct recruitment in Group 'C' and 'D' category. As such if the application of the applicant has been rejected by the Circle Selection Committee after taking into account the objective assessment of the financial condition of the family and other relevant

factors such as landed property, house and size of the family and age of members of the family, no infirmity can be found on such action. As such the OA deserves to be dismissed on this score also.

4. Thus on both counts, the present application is dismissed with no order as to costs.



(M.L.CHAUHAN)

Member (Judicial)