

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Date of decision: 13th May, 2004

OA No. 334/2003

Gopali w/o late Shri Birdhi Chand, Group 'D'
Office of the Chief Postmaster General, Rajasthan
Circle, Jaipur-7, presently living in House No.
62, Kachi Basti, Beria Basti, Mahadev Temple,
Near Water Tank, Street No.2, Shastri Nagar,
Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to
the Government of India, Deptt. of
Posts, Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan
Circle, Jaipur.

.. Respondents

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

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

CORAM:

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

O R D E R (ORAL)

The applicant has filed this OA thereby
praying for the following reliefs:-

- "8.1 That the impugned order dated 21.3.2003
be quashed and set aside and further
the respondents be directed to provide
any smallest job to the applicant to
provide, two times bread and education
to the family."
- 8.2 Any other relief which the hon'ble
bench deems fit."


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2. Facts of the case are that the husband of the applicant while working in the Postal Store Depot expired on 25.7.97. At the time of the death the family of the deceased consists of the following members:-

1. Smt. Gopali widow 35 years
2. Mr. Ramesh son 1.1.82 unmarried
3. Mr. Yogesh son 27.3.88 unmarried
4. Miss. Babli Daughter 2.9.90 -do-
5. Mr. Bhim son 20.10.94 -do-
6. Mr. Prem son 04.04.96 -do-

2.1 After the death of the deceased, the widow had applied for compassionate appointment. The respondents after putting the case before the Circle Relaxation Committee rejected the case of the applicant for compassionate appointment vide order dated 21.2.2003 (Ann.A1). It is against this order the applicant has filed this OA thereby praying for quashing the impugned order Ann.A1 and directions to give appointment to the applicant on compassionate grounds.

3. The respondents have filed reply. In the reply, it has been stated that the case of the applicant has been considered by the Circle Relaxation Committee on 21.1.2003. As per the educational qualification, the applicant was eligible for appointment on the post of Group 'D'. The Screening Committee has approved 15 vacancies of Group 'D' posts for direct recruitment quota for the year 2001. Out of 15 vacancies, one vacancy was earmarked for appointment on compassionate grounds and the most deserving indigent case after a comparative and objective assessment was recommended against the vacancy. It is further stated that the Circle Relaxation Committee considered 20 cases including the case of the applicant against the said vacancy and approved one case which was found most indigent for appointment on compassionate grounds and remaining cases including the case of the applicant were rejected



due to non-availability of vacancy for the purpose. It is further stated that the family is getting Rs. 1755/- as pension plus Rs. 965/- as D.R. totalling to Rs. 2720/- per month, which is more than the allowance paid to the Extra Departmental Agents, who maintain his family properly from that amount. In addition, the family of the deceased employee is deriving income of Rs. 12000/- per annum from the agriculture land as per certificate issued by the Patwari, Chhaparadi and countersigned by the Tehsil, Amer (Jaipur) (Ann.R9). The family of the deceased employee is also having residential house of six rooms at Jaipur as well as in their village.

4. The applicant has filed rejoinder thereby reiterating that she has to maintain the family of six members and the circumstances are such that in case the compassionate appointment is not given to the applicant, the family will be in indigent condition.

5. In order to satisfy whether the selection was made by the Circle Relaxation Committee in proper manner, this Tribunal directed the respondents to produce the relevant record. The respondents have produced details of the applicants for appointment on compassionate grounds. From perusal of the record, it is apparent that one Smt. Dhakka Devi was given compassionate appointment against one Group 'D' post. Admittedly, the case of the selected candidate is more deserving than the applicant. As such, no infirmity can be found in giving appointment to Smt. Dhakka Devi. Further, from the perusal of the record, it is evident that the case of the applicant was also recommended by the Circle Relaxation Committee but appointment could not be given for want of vacancy.


6. The learned counsel for the applicant has fairly conceded that he will be satisfied if

direction is given to the respondents to consider her case as and when vacancy arises in future. The learned counsel for the applicant has also brought to my notice Govt. of India, Deptt. of Personnel and Training OM dated 5.5.2003. At this stage it will be relevant to reproduce para 3 of the said OM which reads as under:-

"3. The maximum time a person's name can be kept under consideration for offering Compassionate Appointment will be three years, subject to condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of the first and second year. After three years, if Compassionate Appointment is not possible to be offered to the applicant, his case will be finally closed, and will not be considered again."

7. In view of the submissions made by the learned counsel for the applicant, I am of the view that the case of the applicant is required to be examined in the light of para 3 of the DOPT OM dated 5.5.2003 as and when vacancy arises in future.

8. With these observations, the OA is partly allowed with no order as to costs.


(M.L. CHAUHAN)
Member (J)