

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 07.10.2004

ORIGINAL APPLICATION NO. 549/2003

Baligur Rahman son of Late Shri Atiq Ahmed aged about 31 years, resident of Kazipada Tadabhim, District Karauli Raj. Aspirant of appointment on compassionate grounds on the post of Postal Assistant.

....Applicant

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master, Rajasthan Circle, Jaipur.
3. Sr. Superintendent of Post Offices, Jaipur City, Postal Divison, Jaipur.

....Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. Kuldip Singh, Vice Chairman

ORDER (ORAL)

The grievance of the applicant for filing this OA are that despite the fact that applicant's case has been approved for appointment on compassionate grounds but still the applicant has not been granted such appointment.

2. The facts as alleged in brief are that applicant's father, Shri Atiq Ahmed, who was employed in Postal Department had died while working in the Department at the age of 50 years on 1.7.1986. The

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deceased left behind the family of seven members including the applicant. The applicant's mother had made a request to the Department for providing appointment to the applicant on compassionate grounds. The respondents considered the case of the applicant for giving appointment on compassionate grounds. It is averred that applicant had now attained the age of majority so he should be appointed. It is further stated that the family condition has deteriorated day by day and family is living in a penury conditon.

3. The respondents have contested the case and denied the allegation of arbitrariness as the applicant could not be given appointment for want of vacancies under Direct Recruitment Quota which is merely 5% for compassionate appointment out of Direct recruitment quota.

4. However, the case of the applicant was approved for appointment as Postal Assistant but for want of vacancies, the applicant could not be given appointment. The applicant was informed that vacancies of Postal Assistant are not available and if he is willing to work as 'Gramin Dak Sevak' then his case may be processed but the applicant refused to accept the post of 'Gramin Dak Sevak' and has also submitted that as per instructions of the Government of India, efforts should be made to find a suitable job for the applicant in some other Department of the Government. The respondents also made an attempt to seek vacancies in some other Department but since no vacacy is available, so no appointment could be offered to the applicant.

5. I have gone through the rival contention and arguments advanced by the parties and also gone through the records of the case.

6. Admittedly, the applicant was asked whether he is willing to work as 'Gramin Dak Sevak', the post which was available with the respondents but it is applicant who had refused the same. The applicant



wanted to work as Postal Assistant, on a Group 'C' post but for want of vacancies of Postal Assistant, the respondents could offer the post of 'Gramin Dak Sevak' only as the applicant had refused to accept the same, hence the applicant could not be appointed as Gramin Dak Sevak.

7. Under these circumstances, I find that the Department had made efforts to adjust the applicant in some other post but the applicant refused the post of Gramin Dak Sevak. As regards the Group 'C' post of Postal Assistant is concerned, since no vacancy is available under 5% quota meant for the purpose of giving appointment on compassionate ground, the same could not be offered to the applicant.

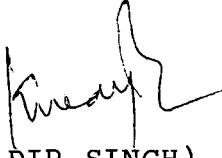
8. The learned counsel for the applicant has drawn my attention to letter written by one of the Officer of the Department giving position of vacancies but that was the over-all position of the vacancy but it does not indicate how many number of vacancies are available under the quota meant for compassionate appointment. The respondents have categorically stated that nowhere the group 'C' post is available. Thus the action of the respondents cannot be said to be malafide or unjustified.

9. I also noticed from the averment made by the applicant itself in the OA that his father had expired in the year 1986. Now almost 18 years have passed. if there was any financial crisis at the time of death of the applicant's father in the year 1986, the family now must have overcome that financial crisis and it cannot be accepted that the applicant's family is still living in that desperate condition. Moreover, the purpose of Scheme is also to help the family to overcome immediate financial crisis and not after 16 or 17 years.

10. Under these circumstances, I am of the

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considered opinion that this OA has no merit and the same is dismissed with no order as to costs.



(KULDIP SINGH)
VICE CHAIRMAN

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