

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 150 of 2005**

Indore, this the 18<sup>th</sup> day of August, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Mohd. Javed Khan, S/o. late Shri  
Shekh Mohd. Akram, aged about 24 years,  
R/o. House No. 2032, Uprenganj, (Moulana Ki  
Gali), Jabalpur, Distt. Jabalpur (MP). .... Applicant

(By Advocate – Shri K.C. Ghildiyal)

**V e r s u s**

1. Union of India, through the Secretary,  
Ministry of Telecom and Communication,  
Government of India, New Delhi.
2. Chief Post Master General,  
Chhattisgarh Zone,  
Raipur (Chhattisgarh).
3. Senior Superintendent of Post Office,  
Jabalpur Division Jabalpur,  
Jabalpur (MP). .... Respondents

(By Advocate – Shri A.P. Khare)

**ORDER**

By filing this Original Application the applicant has claimed the following main reliefs :

- “i) to quash the order dated 10.9.2004 passed by respondent No. 2 (Annexure A-2),
  - ii) to direct the respondents to grant the appointment to the applicant on any post commensurate to his educational qualifications.”
2. The brief facts of the case are that the father of the applicant late Shekh Mohd. Akram was serving as Sub Postmaster in the Postal



Department and he died in harness on 22.11.2000 in the age of 53 years. After his death the family has come to the stage of starvation. The family is consisting of the applicant his mother and sister who is about 26 years of age and is marriageable. The applicant is also having a very old house which was constructed almost 20-25 years back. The applicant submitted an application for grant of compassionate appointment alongwith his testimonials etc. But his application was rejected vide impugned order dated 10.9.2004 on the ground that after the death of his father the terminal benefits have been given to the family of the deceased Government servant and the family is also receiving monthly family pension. It was also mentioned in the order that the applicant was having his own house for living. These are not sufficient grounds for rejection of the compassionate appointment according to the decision of the Hon'ble Supreme Court. Hence, he has filed this Original Application.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the respondents have not considered all the facts and circumstances and contentions of the applicant while passing the impugned order dated 10.9.2004 (Annexure A-2). One sister of the applicant is unmarried and the house in which the applicant's family is residing is a very old house constructed almost 20-25 years back and every year its repair is done. The Hon'ble Supreme Court in catena of judgments held that mere providing terminal benefits and family pension to the family of the deceased employee is not sufficient ground for rejecting the application for compassionate appointment. Thus, the applicant is legally entitled for the reliefs claimed.

5. In reply the learned counsel for the respondents argued that the application of the applicant for compassionate appointment was rejected by the Chief Post Master General, Chhattisgarh Circle, Raipur vide memo dated 10.9.2004 on the grounds that the family is not in an indigent

condition, the family has got terminal benefits of Rs. 6,08,012/-, the family is being paid family pension @ Rs. 4,541/- per month and the family is having their own house. Only 5% vacancies are reserved for making compassionate appointment that to now a days there is ban on creation of new vacancies as such vacancies are very less in comparison to the number of candidates applied for compassionate appointment. The department has prescribed certain guidelines for giving such appointment to the dependent of deceased employees in very deserving cases and to meritorious candidates. The family of the applicant was not found within that zone of consideration, as such the circle relaxation committee has given due consideration to the case of the applicant and found the case of the applicant as not much deserving than the others. Hence, the case of the applicant was rejected and this OA is also liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that it is a settled legal proposition by the Hon'ble Supreme Court that the applications for compassionate appointment should not be rejected on the ground that sufficient terminal benefits and family pension are paid to the family of the deceased employee. I have perused the impugned order dated 10.9.2004 (Annexure A-2) and find that in this order it is mentioned by the respondents that the family of the deceased employee has been given terminal benefits, family pension is being paid regularly and the family is having its own residential house. But apart from it they have not discussed about the other grounds raised by the applicant in his application that is about the marriage of his sister and the fact that a huge amount is spent towards the maintenance of the said house of the applicant every year.

7. Considering all the facts and circumstances of the case I find that the impugned order passed by the respondents is not in accordance with the principles laid down by the Hon'ble Supreme Court. Hence, the impugned order dated 10.9.2004 (Annexure A-2) is quashed and set aside



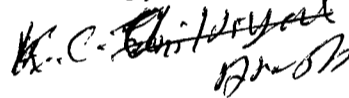
and the respondents are directed to re-consider the case of the applicant for compassionate appointment in accordance with rules and law within a period of three months from the date of receipt of a copy of this order.

8. In view of the aforesaid the Original Application stands disposed of with no order as to costs.

  
 (Madan Mohan)  
 Judicial Member

“SA”

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....  
 प लिमिटेड जल निगम  
 (1) सचिव, उच्च न्यायालय का प रिष्ठान, जबलपुर  
 (2) आवेदन श्री/श्री का के फाउंडेशन  
 (3) प्रत्य श्री/श्री का के फाउंडेशन  
 (4) संस्थान का प रिष्ठान का के फाउंडेशन  
 सूचना एवं आवश्यक का के फाउंडेशन देवे  
 29/8/05  
 जप रजिस्ट्रार

  
 K.C. Ghildiyal  
 J.P. Khare  
 J.P. Khare

FCJ  
 29/8/05