

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No. 611 of 2005

Jabalpur this the 3rd day of April,2006.

**Hon'ble Mr. Justice M.A.Khan,Vice Chairman
Hon'ble Dr.G.C.Srivastava,Vice Chairman**

Anil Kumar Nahar, Son of late Munna Lal Nahar,
Aged about 28 years, Unemployed, R/o Ghampur,
Jabalpur, District Jabalpur (MP)

Applicant

(By Advocate – Shri Manish Soni)

V E R S U S

1. Union of India, Through Secretary, Ministry of
of Postal and Telegraph, New Delhi.
2. The Chief Post Master General, Madhya Pradesh
Circle, Bhopal (MP).
3. Superintendent Post Offices, Jabalpur Division,
Jabalpur (MP).
4. Assistant Director Staff, Chhatishgarh Circle,
Raipur, Distt.Raipurb (Chhatishgarh) **-Respondents**

(By Advocate – Shri M.Chourasia)

O R D E R(Oral)

By Dr.G.C.Srivastava, Vice Chairman.-

Heard counsel for both the parties.

2. The applicant Anil Kumar Nahar is the son of Munna Lal Nahar, former Safaiwala, who died in harness on 06-01-1999. He and his mother both applied for appointment on compassionate grounds on the death of his father. At the direction of this Tribunal in OA No.754/2004 (annexure-A/2), the applicant submitted a fresh representation to the respondents claiming appointment on

(Signature)

compassionate grounds and respondent no.3, Assistant Director Staff, Chhattisgarh Circle, Raipur passed the impugned order (annexure-A/1) on 15-02-2005 informing the applicant that his claim for appointment on compassionate grounds has been rejected by the competent authority. The ground for rejection was that the deceased employee did not leave his family in financial distress as is evidenced from the facts that (i) the family has been getting family pension of Rs.2422/- p.m., (ii) the family received terminal benefits amounting to Rs.1,76,512/-, (iii) the mother of the applicant is employed as a Safaiwali in Rani Durgawati Government Hospital, drawing a salary of Rs.3900/- p.m., (iv) there is no dependent minor in the family, (v) the applicant himself is married, and (vi) the applicant's father died almost six years ago.

3. The applicant has challenged the impugned order on the grounds that (i) it is the right of the widow to get family pension, (ii) the applicant was the dependent of his father and the fact that his mother was employed was not sustainable in the eyes of law, (iii) the applicant has no source of livelihood, (iv) the family of the applicant is suffering badly for want of funds, and (v) rejection of the applicant's claim for appointment on compassionate grounds is illegal and against the norms laid down by the Government. On these grounds, the applicant has prayed that the impugned order be set aside and suitable directions be issued to the respondents to "give compassionate appointment to the petitioner on any Class-IV post in any place of department within a fixed period".

4. The respondents in their written reply have opposed the application on the ground that the case of the applicant was considered by the Circle Relaxation Committee (for short 'CRC') on 28-08-2000 along with other such cases and all the aspects as per the guidelines issued by the Ministry of Personnel & Training on the subject were kept in view while taking decision on the application. Since the applicant's family was not found in indigent

condition, the impugned order rejecting the applicant's claim was passed.

5. We have considered the arguments advanced by both the parties. It is an admitted fact that the mother of the applicant is employed drawing a salary of Rs.3900/- p.m. In case a member of the family of the deceased is already in employment, another member of the family can be appointed on compassionate grounds if (i) the employed member does not support other members of the family, or (ii) grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the deceased, the income of the earning member and the fact that the earning member is residing with the family of the deceased. It is not the case of the applicant that his father has left considerable liabilities, or his mother is not residing with him or she is not supporting him. In fact, the applicant aged about 28 years is married and the only other member of the family is a brother aged 24 years. By no stretch of imagination can they be considered to be dependents either on mother or deceased father. The Apex Court has clearly laid down in **Umesh Kumar Nagpal Vs. State of Haryana and others**, [JT 1994 (3) SC 525] that only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate grounds. The applicant's case clearly does not fall within the ambit of this principle in as much as the family has an earning member and does not appear to have liabilities. The respondents have rightly rejected his case.

6. In view of the above, we find that the application is devoid of merits and is accordingly dismissed. No order as to costs.

Dr.G.C.Srivastava
(Dr.G.C.Srivastava)
Vice Chairman(A)

M.A.Khan
(M.A.Khan)
Vice Chairman(J)

पृष्ठांकन सं ओ/न्या..... जबलपुर, दि.....

प्रतिलिपि अ प्रे प्रितः—

- (1) राधिका, उच्चा वादावाला, पार एटोडेइयन, जबलपुर
- (2) अद्येता श्री/श्रीमती/गु..... के घरांसल
- (3) संतारी श्री/श्रीमती/गु..... के घरांसल
- (4) संथाल, लोपांडा, जबलपुर राजस्थान
सूचना एवं आवश्यक कार्यालयी हस्ती ४०८०

R.L. Gupta Adm B6

M. Chaurasia ५५७

Adm B8

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