

Central Administrative Tribunal
Jabalpur Bench

OA No.815/05

Thursday, this the 9th day of March, 2006.

C O R A M

Hon'ble Mr Justice G. Sivarajan, Vice Chairman

Prakash Mahobiya
Son of late Ram Prasad Mahobiya
R/o Kamta Ram House
Bazar No.5, Village Kuwarpur
Post Padari
Shahajpur
Damoh (M.P.)

Applicant

(By advocate Shri Anil M. Tripathi)

Versus

1. Union of India through
Head Postmaster General
Bhopal.

2. Superintendent of Postmaster
Sagar (M.P.)

3. Head Postmaster
Damoh (M.P.)

Respondents

(By advocate Shri Manish Chaurasia)

O R D E R (oral)

By Justice G. Sivarajan, Vice Chairman

Heard Shri Anil M. Tripathi, learned counsel for the applicant
and Shri M. Chaurasia, learned counsel for the respondents.

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2. The applicant belongs to SC community. His father was employed as Postman under the respondents as evidenced by memo dated 12.12.02 (A-1). The father died in harness on 1.6.02 (A-2 Death Certificate). Applicant's mother who is the widow of late Ram Prasad Mahobiya, was given the family pension on 31.8.02 (A-3). She also filed an application before the second respondent for grant of compassionate appointment to her son -the applicant herein -on 7.6.03 (A-4). The said application was rejected vide order dated 10.9.04 (A-5). The applicant had produced a certificate showing that he belongs to SC community (A-6), passed 8th standard in second division (A-8 and also a certificate A-9) issued by Tahsildar to show that the applicant's father had no land or property. It is further stated that the applicant caused a lawyer's notice dated 6.4.05 (A-9) addressed to second respondent for grant of compassionate appointment, which, according to the applicant, has not been disposed of.

3. Respondents have filed a reply stating that the case of the applicant for compassionate appointment was examined by the Circle Relaxation Committee keeping in view the guidelines (Annexures R1, R2 & R3) issued by the DoPT, that there were only two vacancies (one in Group-C and another in Group-D) and that there were 52 applications during the year 2004. Appointments, it is stated, were given to two most deserving cases. It is also stated that the CRC did not find the family in indigence, for, they had received a sum of Rs.1,12,346/- by way of terminal benefits and family pension of Rs.2077/- The counsel for the applicant submits that the committee or the competent authority did not consider the case of the applicant strictly in accordance with the Scheme for Grant of Compassionate Appointment and that no opportunity was afforded to the applicant for

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4. Shri M. Chaurasia, learned standing counsel appearing for the respondents, on the basis of the averments made in the reply, submitted that the CRC on a consideration of the assets and liabilities of the family of the deceased found that the family is not in penury. The standing counsel further submitted that the application was rejected after considering the matter strictly in accordance with the provisions of the Scheme and the circulars issued by the DoPT in the matter. The standing counsel further submitted that the minutes of the CRC are produced and marked as Annexure R-4.

5. I have considered the rival submissions. Clause 12 of the Scheme has prescribed the procedure for consideration of applications for appointment on compassionate grounds. Sub Clause (c) inter-alia, provides that "the committee may meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the Committee, if necessary, for better appreciation of the facts of the case".

Clause 16 Sub Clause (c) further states as follows:

"An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground, a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant facts, such as the presence of an earning member, size of the family, age of the children and the essential needs of the family, etc."

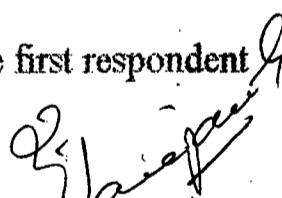
6. In the instant case, the Committee had simply relied on the terminal benefits received by the applicant. They did not ascertain as to whether the deceased or the members of the dependent family had

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benefits. It is for the said purpose Clause 12 (c) provides for affording an opportunity. This admittedly has not been done. The fact that the applicant belongs to SC community has also to be considered. Since the minutes of the Committee does not show that any such aspect has been considered, I am of the view that the respondents must be directed to consider the lawyer's notice dated 6.4.05 (A-10) in accordance with law and in the light of the observations made herein above and to take a decision thereon within a time frame. Accordingly, the 1st respondent is directed to consider and dispose of the lawyer's notice (A-10) in accordance with law and in the light of the observations made herein above by passing a speaking and reasoned order as expeditiously as possible at any rate within a period of three months from the date of receipt of this order. For the said purpose, the order at A-1 is set aside.

7. The OA is disposed of as above. No order as to costs.

8. The applicant will produce this order before the first respondent for compliance.


(G. Sivarajan)
Vice Chairman

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पृष्ठांकन सं. ओ/व्या..... जवलपुर, दि.....

प्रतिलिपि

- (1) सचिव, ओ/व्या
- (2) आकेश्वर
- (3) प्रत्यर्थी
- (4) विधायक, ओ/व्या

1. जवलपुर
2. ओ/व्या काउंसल
3. काउंसल

A. M. Tripathi } DV
N. Chabua } 0030
S. Chabua } 0030

मुद्रित एवं ऑफिस का दर्ता करना चाहिए

अधिकारी

14/3/06

For ref
14.3.06