

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 982 of 2004

Jabalpur, this the 13th day of June, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Pradeep Kumar Narwar, Aged about 27
Years, S/o. Sri T.R. Narwar, Resident of
Cantt. Club, Bungalow No. 18, Sagar Cantt. Applicant

(By Advocate – Shri S.K. Nagpal)

V e r s u s

1. Union of India, through : The Secretary,
Department of Post, Dak Bhawan,
New Delhi.
2. Chief Post Master General.
M.P. Circle, Bhopal.
3. Suptd. Of Post Offices, Sagar Division,
Sagar Cantt. Respondents

(By Advocate – Shri M. Chourasia)

O R D E R (Oral)

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

“i) direct the respondents to produce the details of vacancies occurred in all the Group C & Group D posts under jurisdiction of respondent No. 2 and the details of appointments made from 2002 onwards on compassionate grounds against the quota of vacancies for compassionate appointment,

ii) direct the respondents to consider the case of the applicant keeping in view of the number of family members dependent on retired employee including two un-married daughters and the directions contained in DOPT OM dated 5 May 2003 Annexure A-8 within three months.”



2. The brief facts of the case are that the father of the applicant Shri Tika Ram Narwar was working as BCR Postal Asstt. in the department of the respondents. He was declared completely and permanently incapacitated from further service of any kind in the respondent's Department by the medical board vide medical certificate dated 20.5.2002 (Annexure A-2). Due to invalidation on medical ground the father of the applicant retired from service leaving behind 7 years of his left services. The father of the applicant submitted an application seeking appointment on compassionate ground for his son i.e. the present applicant vide Annexure A-4 and also submitted several reminders. The case of the applicant was rejected vide order dated 10.9.2004, (Annexure A-1). Hence, this Original Application is filed.
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 the case of the applicant in true spirit i.e. the actual financial condition of the family of the applicant was not considered. Merely awarding the marks by the respondents on terminal benefits and family pension is not a sufficient ground for rejection of compassionate appointment. The applicant has six family members out of which two are marriageable daughters and two are unemployed sons of the government servant. The left over service of the applicant's father was about 7 years as he was permanently medically boarded out from service. The impugned order dated 10.9.2004 is not a speaking order and thus the OA deserves to be allowed.
5. In reply the learned counsel for the respondents argued that the father of the applicant retired on invalidation on 20.5.2005 while working with the respondents. His terminal benefits such as DCRG, GPF etc. amounting to Rs.4,38,919/- were paid and monthly family pension of Rs. 3533/- plus DA is also being regularly paid. He has his own house to



reside and the family of the government servant is not facing any financial crises. The case of the applicant was considered by the committee on 4.8.2004. For three vacancies, 52 applications were received by the respondents and the case of the applicant was less deserving than others. After considering all the facts and circumstances of the case the impugned order was passed and the same is passed in accordance with rules and law.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that in the impugned order Annexure-A-1 it is only mentioned that the committee which met on 4.8.2004 after considering the case of the applicant find that the respondents have paid the terminal benefits of Rs.4,38,919/- and is also regularly paying Rs. 3533/- as monthly family pension and further the family of the government servant is not in an indigent condition. In this impugned order the fact of number of the family members, unmarried daughters, unemployed sons etc. of the government servant were not considered by the committee. According to the principles laid by the Hon'ble Supreme Court it is not sufficient to reject the case of applicant for compassionate appointment on the ground of grant of terminal benefits and family pension being paid regularly. The respondents should have considered the contentions of the applicant mentioned in his representations for compassionate appointment. Hence, the impugned order dated 10.9.2004 Annexure-A-1 is liable to be quashed and set aside. I do so accordingly. The respondents are directed to reconsider the case of the applicant considering all the contentions raised by the applicant in this OA as well as in his earlier representations and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of copy of this order.

7. In view of the aforesaid, the Original Application stands disposed of.


(Madan Mohan)
Judicial Member