

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,Original Application No. 1081 of 2004Jabalpur, this the 13<sup>th</sup> day of May, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Manmohan Richhariya,  
 Son of late Shri Bhagirath  
 Richhariya, aged about 28 years,  
 R/o post Sijora, Tehsil  
 Baldeogarh,  
 District Tikamagarh(M.P.)

Applicant

(By Advocate – Shri S.D.Gupta)

VERSUS

1. Union of India,  
Through Secretary,  
Post & Telegraph Office,  
New Delhi.
2. The Director General of Post  
And Telegraphs,  
P&T Office,  
New Delhi.
3. The Chief Post Master  
General, Madhya Pradesh Circle,  
Bhopal(M.P.)

Respondents

(By Advocate- Shri Gopi Chourasia on behalf of  
 Shri S.A.Dharmadhikari )

ORDER

By filing the Original Application the applicant has sought the following main reliefs :-

“(i) ...to quash the order dated 15.4.2004 rejecting the representation of the petitioner for giving compassionate appointment.

(ii) ...to give compassionate appointment to the petitioner on any post as per his eligibility.”



2. The brief facts of the case are that the father of the applicant late Bhagirath Richhariya was working under the respondents and he died in harness on 8.4.1999. He left behind him his widow daughter Urmila and two sons. The widow daughter of the deceased Govt. servant has 3 children. The applicant has also married with one Smt. Rajni and they have one daughter. The widow Urmila is living with the family of the applicant. The applicant studied upto matriculation and he can be given compassionate appointment on any post as per his eligibility. He had applied for compassionate appointment on 9.12.1999 but the same was rejected vide order dated 7.4.2003 (Annexure-A-7). The applicant earlier filed an OA No.386/2000 which was also rejected vide order dated 20.7.2000(Annexure-A-8). Thereafter he filed a Writ Petition No.2184/2001 in the Hon'ble High Court and the aforesaid W.P. was disposed of vide order dated 7.11.2003 directing the respondents to consider the representation of the applicant for giving compassionate appointment sympathetically. In pursuance to the order of the High Court, the applicant has submitted a detailed representation Annexure-A-10 to the respondents. However, the respondents without considering the destitute condition of family of the applicant have rejected the claim vide order dated 15.4.2004(Annexure-A-1). Hence, this OA.

2. Heard the learned counsel for the parties and carefully perused the records.

5. The learned counsel for the applicant has stated that his sister namely Urmila who is widow and her three children are living with his family and there are several family members who are being maintained by the applicant after the death of his father. The applicant's family is living under the poverty line and the applicant is facing serious financial crises. The learned counsel for the applicant further submitted that the Hon'ble High Court has already directed the respondents to consider the case of the applicant for compassionate appointment sympathetically. However, the




respondents without considering the facts and circumstances of the applicant's case and also the destitute and financial condition, have rejected the claim of the applicant.

6. In reply, the learned counsel for the respondents has stated that earlier the applicant had filed the OA No.386/2000 which was dismissed by the Tribunal vide order dated 20.7.2000(Annexure-A-8) against this order, the applicant had filed Writ Petition No.2184/2001 in the Hon'ble High Court. The Hon'ble High Court has disposed the said Writ Petition vide order dated 7.11.2003 directing the respondents to consider the representation of the applicant sympathetically. Thereafter the applicant has submitted a detailed representation dated 17/22-12-2003 which was considered and rejected by the respondents by passing a detailed and reasoned order in compliance with the aforesaid order of the Hon'ble High Court. The learned counsel for the respondents further stated that the respondents have considered all the aspects of family of the applicant, and fully complied with the order of the Hon'ble High Court.

8. After hearing the learned counsel for the parties and on careful perusal of the records, I find that in the order dated 15.4.2006 it has been mentioned that the mother of the applicant has expired and the brother of the applicant is in the service of the State Government. Therefore, the family of the deceased Govt. servant cannot be considered to be in as indigent condition for want of compassionate appointment. The Circle Relaxation Committee has already considered all the aspects of the matter and therefore, I find that it is not a fit case for grant of compassionate appointment.

7. In view of the above facts, we do not find any irregularity or illegality in the action taken by the respondent, while denying the compassionate appointment to the applicant and rejecting his application. Accordingly, the OA is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member