

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 28 of 2003

Jabalpur, this the 23rd day of April, 2004

Hon'ble Shri Madan Mohan, Member (J)

Shri Raghvendra Raghuvanshi,
Aged about 26 years.
S/o late Shri S.S.Thakur,
R/o House No. 40, Vitthal Nagar,
Postman Colony, Jaswadi Road,
Khandwa, Distt. Khandwa (MP).

...Applicant

(By Advocate: Shri S.Paul with Shri Vijay Tripathi)

-versus-

1. Union of India through
Secretary,
Post & Telegraph Ministry,
New Delhi.
2. The Principal Chief Post Master General,
M.P.Circle, Bhopal, Madhya Pradesh.
3. Director General of Department of Post
& Telegraph (India), New Delhi. ...Respondents

(By Advocate: Shri P.Shankaran)

O R D E R (ORAL)

By filing this original application, the applicant has claimed the following main reliefs:-

- i) Hon'ble Tribunal may kindly be pleased to direct the respondents to produce the entire record concerning rejecting of applicant's candidature as compassionate appointment on relaxing the normal recruitment rules in place of late Shri S.S.Thakur (Raghuvanshi) further that the order passed by the respondents dated 13.9.2001 and order dated 21.2.2002 are liable to be quashed as they are passed without proper assessment and analysing the source of income and also the dependency.
 - ii) Hon'ble Tribunal be further pleased to direct the respondents to appoint the applicant by relaxing recruitment rules as on compassionate grounds in respect of deceased official late Shri S.S.Thakur.
2. The brief facts of the case are that the father of the applicant was working in the department as Postal Assistant, due to sudden demise on 22.12.2002, the applicant had applied for compassionate appointment(A/1). At the time of application for considering the case of the applicant for compassionate



appointment was major and he passed his High School Certificate examination in the year 1993. Applicant moved a representation to the authorities i.e. the Director General, Department of Post and Telegraph of India, New Delhi. The respondents without holding any enquiry or without giving opportunity of hearing to the applicant that the applicant and his family has no source of income except own house in which they live together, rejected the representation of the applicant, holding that applicant is earning an appropriate income of Rs. 7,152/- from other sources. Hence, the orders at Annexures A-5 and A-6 are erroneous and illegal and the same are liable to be quashed.

3. Heard the learned counsel for both the parties and carefullly persued the record.

4. It is argued on behalf of the applicant that the respondents have wrongly mentioned the estimate income of the applicant as Rs. 7152/- p.m. while there is no basis or ground to come to the said conclusion. The applicant had spent a sum of Rs. 55000/- towards the marriage of her sister, out of the retiral benefits given to the deceased family.

5. Learned counsel for the respondents argued that the respondents have given a sum of Rs. 3,90,138/- as pensionary benefits alongwith family pension of Rs. 3801.00 per month. It is further argued that apart from this, the applicant received a sum of Rs. 72303/- towards leave encashment and also Rs. 52600/- towards insurance. It is further argued that the applicant is earning a sum of Rs. 7152.0 from other sources every month. He further argued that the applicant has himself admitted in his application that he owns a house(residential), hence he is not facing any financial crisis.

6. After hearing the learned counsel for both the parties and perusing the record, I find that the respondents have given Rs. 3,90,138/- towards the pensionary benefits and the applicant is receiving a sum of Rs. 3801/- per month towards pension; he has further received a sum of Rs. 72303/- and Rs. 52600/- towards leave encashment and insurance amount respectively. So far as the issue of earning monthly income of Rs. 7152/-



raised by the respondents is not supported by the documentary proof hence the said objection is rejected. But since the applicant has received the aforesaid amount from the respondents and he owns a residential house, the applicant does not seem to be facing any financial crisis. The matter of expenditure of an amount of Rs. 55000/- towards her sister's marriage is not relevant here for the relief claimed in this application.

7. In view of the above discussion, I am of the considered view that the O.A. is bereft of merit and the same is accordingly dismissed. No costs.

23/4/2004.

(Madan Mohan)
Member (Judicial)

/na/

मुद्रांकन सं. ओ/ना..... जवलपुर, दि.....
प्रतिलिपि दाता द्वितीय :—
(1) सर्विदा, उच्च व्यायामय दाता द्वितीय, जवलपुर
(2) दाता द्वितीय / ३ दे कार्यसल S. Paul
(3) दाता द्वितीय / ३ दे कार्यसल P. Ghoshal
X/ दाता द्वितीय, जवलपुर द्वितीय / ३
दूसरा दाता द्वितीय कार्यसली ३/३
दूसरा दाता द्वितीय कार्यसली ३/३

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