

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 747 of 2003

Jabalpur, this the 10th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

Vinod Shukla son of Late  
Shri Shyamlal Shukla,  
Aged about 28 years, unemployed,  
R/o Post Jaithari Linepar,  
District Shahdol(M.P.)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,  
through its Secretary,  
Department of Postal Dak Bhawan,  
New Delhi.

2. Chief Post Master General,  
M.P. Circle, Bhopal(M.P.)

RESPONDENTS

(By Advocate - Shri K.N. Pathia)

ORDER(ORAL)

None is present for the applicant. Since it is an old case of 2003, I proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

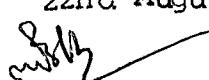
2. By filing this Original Application the applicant has claimed the following main reliefs :

"(a) the record relating to the consideration of the application of the applicant's mother for compassionate appointment resulting into passing of the order Annexure A-2 may please be summoned in the Hon'ble Tribunal for perusal and reference,

(b) by issuance of a writ in the nature of Certiorari, the order dt. 7.4.2000 Annexure A-2 may be quashed,

(c) by issuance of a writ in the nature of mandamus this Hon'ble Tribunal be pleased to command the respondents to give to the applicant a compassionate appointment as early as possible."

3. The brief facts of the case are that the father of the applicant late Shyamlal Shukla was employed as Sub Post Master in the Venkat Nagar Post Office, Shahdol. He died in harness on 22nd August, 1998. The mother of the applicant has submitted an



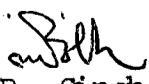
application for appointment of her son on compassionate ground which has been rejected by the respondents vide impugned order dated 7th April, 2000. Hence, this Original Application claiming the aforesaid reliefs.

4. The respondents in their reply have stated that appointment on compassionate ground cannot be claimed as a matter of right. The Hon'ble Supreme Court in various cases has restricted the grant of compassionate appointment to the cases of extreme financial distress and not as a matter of right on the death of the Government employee. The purpose of the scheme of compassionate appointment is to help the family members of the deceased employee who are in great financial crisis, due to the death of the bread earner of the family. In the present case after the death of the applicant's father late Shyamal Shukla, the family of the deceased Government servant received Rs. 2,82,776/- as terminal/pensionary benefit and the widow of the deceased employee is getting pension of Rs. 4,573/- per month. Apart from this, the family of the deceased owns a residential house. Considering the totality of the circumstances, the competent authority arrived at a conclusion that the applicant's case is not a fit case for grant of compassionate appointment. According to the respondents in the present case the only dependant of the deceased Government servant is the widow who has already got Rs. 2,82,776/- as terminal/pensionary benefits and is also receiving Rs. 4,573/- as pension per month. The applicant does not fall within the purview of dependant member of the family in as much as he has already attained the age of 28 years. They have further stated that the applicant in his application though stated that late Shyamal Shukla left behind him, his mother and divorced <sup>he</sup> daughter, but has not given the particulars of his sister. Apart from this, the applicant has not disclosed the amount of maintenance received by his sister after divorce. He has also

stated that the applicant has mentioned in the OA that there are eleven members who were dependant on the deceased, but has failed to give particulars in this regard. Otherwise also, no other family member than the widow and unmarried children do come within the purview of dependants. In view of these it is not possible for the respondents to again consider the case of the applicant for grant of compassionate appointment. Hence, the Original Application has no merits and is liable to be dismissed.

5. I have given careful consideration to the rival contentions made on behalf of the parties and I find that the father of the applicant died in harness on 22nd August, 1998. The purpose of to the scheme of appointment on compassionate ground is / grant immediate financial assistance to the family when the bread-winner of the family has died and there is no other member to support the family and the family is in financial distress. In this case I find that there are only two members of the late Government servant, one is the widow and the other is the son i.e. the applicant and they have managed their affairs for last six years. As per several judgments of the Hon'ble Supreme Court in the subject, the compassionate appointment is to be granted in the case of extreme financial distress and not as a matter of right on the death of the Government employee/servant. In this case the widow is already getting an amount of Rs. 4,573/- as family pension and has also received an amount of Rs. 2,82,776/- as terminal/pensionary benefits. I do not find a fit case for re-consideration of the applicant by the respondents for appointment on compassionate ground.

6. Accordingly, the Original Application is bereft of merits and is liable to be dismissed. Hence, the same is dismissed. No costs.

  
(M.P. Singh)  
Vice Chairman