

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 877 of 2003
Gwalior, this the 5th day of April, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Jagdish Prasad Garg
S/o Late Vishnu Prasad Garg,
Aged 30 years
R/o Pindari Tah. Dheemarkheda
Distt. Katni M.P.

Applicant

(By Advocate – None)

V E R S U S

1. Union of India
Through Secretary,
Posts and Telegraph,- Deptt.
New Delhi.
2. Chief Post Master General
Indian Posts Deptt.
Chhattisgarh Circle
Raipur(C'garh)
3. Asstt. Director, Posts
Amla C'garh, Raipur-429001.
4. Senior Supdt. Of Post Offices,
Jabalpur Division,
Jabalpur M.P.

Respondents

(By Advocate – Shri S.A.Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member

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

- "(i) Quash the impugned order Annexure A-1 and Annexure A-2.
- (ii) Direct the respondents to give compassionate appointment to the applicant for maintaining his family.



2. The brief facts of the case are that father of the applicant late Shri Vishnu Prasad Garg was serving as EDDA(Dak Vitrak) under the respondents. He died on 3.2.2002 in harness leaving behind him, his widow and five sons and one daughter. Out of the family members only elder son Shri Vijay Kumar is working as Teacher in a private school, but he is living separately from his family. The dependents of the deceased Govt. servant have only a Kacha house and they have received terminal benefits of Rs. 48,000. All of them are also unemployed. The applicant is the second elder son, who applied for compassionate appointment with the consent of other legal heirs. But it was rejected vide order dated 27.3.2003 wherein it has been mentioned that the "applicant's two brothers are in private service, therefore, it cannot be said that the family of the deceased Govt. servant comes under the distressed family." Thereafter the respondents have issued another impugned order dated 4.4.2003 bywhich the claim of the applicant for compassionate appointment has been rejected on the same point. Hence, this OA.

3. None is present on behalf of the applicant. Since it is an old matter of the year 2003, we are disposing of this OA by invoking the provisions of Rule 15 of CAT(Procedures) Rules, 1987. Heard the learned counsel for the respondents and carefully perused the records.

4. The learned counsel for the respondents argued that the deceased Government servant left behind a house, agricultural land from which the family of the deceased Government servant is earning Rs.11,000/- per annum and the terminal benefits amounting to Rs. 88,000/-has already been received by them. He has further argued that the case of the applicant was duly considered by the competent authority in its meeting dated 26.2.2003 who considered the every



aspects of the matter. However, the applicant was not found eligible for compassionate appointment, therefore, his claim was rejected. The learned counsel for the respondents further argued that two brothers of the applicant are in private service and his sister has already been married. Hence, the family of the applicant is not facing any financial crisis. The compassionate appointment is not a matter of right. Hence, this OA deserves to be dismissed.

5. After hearing the learned counsel for the respondents and careful perusal of the records we find that the applicant has specifically mentioned in the OA that his elder brother, Shri Vijay Kumar is working as teacher in the private school and his salary is Rs.1200/- per month and he is also living separately from the family of the deceased Government since 1998. This fact was not denied by the respondents in their reply. We also find that terminal benefit of Rs. 88,000/- is not sufficient to maintain the family. We have perused the impugned orders dated 27.3.2003 and 4.4.2003 and find that both the orders are non speaking orders. We further find that the respondents have rejected the claim of the applicant for compassionate appointment only on the ground that the brothers of the applicant are in private job and the respondents have not considered all other aspects of the applicant's family. After considering all the facts and circumstances of the case, we are of the considered view that the aforesaid impugned orders dated 27.3.2003 and 4.4.2003 are liable to be quashed and set aside. We do so accordingly. The respondents are directed to reconsider the case of the applicant for compassionate appointment, keeping in view the family conditions and other aspects of the family within a period of three months from the date of receipt of a copy of this order. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman