

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH JABALPUR

Original Application No. 400 of 2002

Jabalpur, this the 30th day of June, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

1. Smt. Periyamma  
Wd/o late Shri A.K. Sundaram  
Adult
2. Shri S.Kalidas  
S/o late Shri A.K. Sundaram  
Adult.

Both resident of  
Jhuggi No. 1311, 'B' Sector  
Anna Nagar, BHEL,  
Bhopal

APPLICANTS

(By Advocate - Puneet Shrotri on behalf of Shri Kumarash Pathak)

VERSUS

1. Union of India  
Through the Controller & Auditor  
General of India  
10-Bahadur Shah Zafar Marg  
New Delhi.
2. The Director General  
Post & Telegraph Audit  
Shyam Nath Marg  
Old Secretariat  
Delhi.
3. The Deputy Director  
Post & Telegraph Office  
Indra Mansion  
Bhopal
4. Shri Yuvraj Singh
5. Shri Raman Sharma
6. Shri Rajiv Arya
7. Shri Vinod Kumar  
All (S.No.4 to 7) Group 'D' Employees  
Office of the Deputy Director  
Post & Telegraph Audit Office  
Indra Mansion, Bhopal

RESPONDENTS

(By Advocate - Shri Om Namdeo)

ORDER (ORAL)

By filing this OA, the applicants have sought the following main relief:-

"ii). .... direct the respondents No 1 to 3/ appoint the applicant No.2 on compassionate grounds".

2. The brief facts of the case are that Shri A.K. Sundaram the post of was an employee of the Post & Telegraph Department holding Clerk-Typist. He died on 27.4.1997. The family of the deceased was totally dependent on the income of the

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employee

deceased Government/and thus after his death ~~and~~ the applicant No.1's family left with no source of income to survive. The applicant No.1 made an application to the respondents dated 23.5.1997 /requesting to grant appointment on compassionate grounds in favour of the applicant No.2. The respondent No.3 vide letter dated 21.9.1998 informed the applicants that due to non-availability of vacancy ~~and~~, appointment of applicant No.2 on compassionate grounds is not possible. Thereafter the respondents have issued an order dated 13.1.1999 whereby the claim of the applicant for compassionate appointment has been rejected. The respondent No.3 ~~has~~ advertised 4 posts for Group-D employees, out of which, one post has been reserved for Scheduled Caste. According to the applicants, the applicant No.2 fulfills all the required conditions for appointment for group-D post. Hence, the applicant No.2 has applied for the said post and the respondent No.3 vide letter dated 5.9.2001, called the applicant No.2 for interview on 17th September, 2001. He has appeared in the said interview but he was not granted the appointment. Aggrieved by this, he has filed this OA.

3. Heard the learned counsel for the applicant and respondents and perused ~~of~~ the records.

4. The learned counsel for the applicants has stated that the deceased employee left behind his widow, ~~and~~ applicant No.2 and one daughter. The applicants do not have any their own house and the applicant No.1 has been granted very meagre amount as retiral benefit and she is getting family pension of Rs.2440/- per month which is not sufficient to maintain the family whereas the family is facing acute financial crisis.

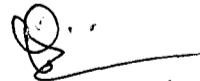
5. The learned counsel for the respondents states that the case of the applicant No.2 was duly considered by the



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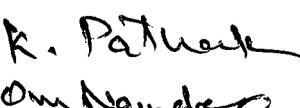
respondents as per policy laid down by the Government of India but due to non availability of vacant posts, he could not be ~~granted~~ compassionate appointment. He has further stated that there were 4 vacancies advertised for Group-D posts. These posts were required to be filled ~~by~~ direct recruitment and were not reserved for compassionate appointment. Therefore, the same has already been filled by direct recruitment. He has also stated that at present 7 persons are waiting for appointment on compassionate ground including the applicant No.2.

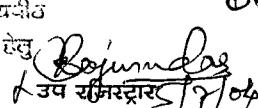
6. After hearing both the sides and careful perusal of the record, I find that the applicant No. 1 has one unmarried daughter ~~was~~ to be married and she does not have any own house and also find that the respondents have not filed, ~~the~~ applicant for shown any list by which they have considered the case of appointment on compassionate ground and the ~~other~~ amount paid to the applicant No.1 ~~which~~ is very meagre amount and she is getting family pension of Rs.2440/- per month which is also not sufficient to maintain the family. After considering the facts and circumstances of the case, the respondents are directed to reconsider ~~the~~ case of the applicant No.2 for appointment on compassionate ground sympathetically within a period of 3 months from the date of receipt of copy of this order. With the above directions, the OA is disposed of. No costs.

  
(Madan Mohan)  
Judicial Member

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....  
य दिनियि अवधि दिनांक:—

SKM (1) राजिव, उच्च व्यावहारिक लार एसोसिएशन, जबलपुर  
(2) आकेश्वर श्री/धीरजी/कु. ....के काठंसल  
(3) प्रत्यर्थी श्री/धीरजी/कु. ....के काठंसल  
(4) वंशपाल, कोपां, जबलपुर व्यावहारिक  
सूचना एवं आवश्यक कार्यवाही देख

  
K. Patwari  
Our Nameless

  
Rajendra  
उप राजस्वार ५/८/०४

  
SKM  
5/8/04