

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 5th day of April, 2006

ORIGINAL APPLICATION No.168/2005

Misc. Application No.144/2005

Misc. Application No.66/2006

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Laxmi Chand Sharma
s/o late Shri Bhagwan Sahai Sharma
aged about 31 years,
r/o Village and Post Bajna (Sapotra)
District Sawai Madhopur,
aspirant for appointment on
compassionate grounds on the post of
Gramin Dak Sevak or any other
Suitable post.

.. Applicant

(By Advocate: Mr. C.B.Sharma)

Versus

1. Union of India through
its Secretary to the Govt. of India,
Department of Posts,
Ministry of Communication,
Dak Bhawan,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Superintendent of Post Offices,
Sawaimadhopur Postal Division,
Sawaimadhopur.

.. Respondents

(By Advocate: Mr. S.R.Samota, proxy counsel to
Mr. Tej Prakash Sharma)

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ORDER

Per Hon'ble Mr. M.L.Chauhan

The applicant has filed this OA against the letter dated 14.10.2003 (Ann.A1) whereby the applicant was communicated the decision of the Circle Relaxation Committee (for short, CRC) regarding rejection of his case for appointment on compassionate grounds. In relief, the applicant has prayed that the impugned order Ann.A1 be quashed and respondents may be directed not to fill the post of Gramin Dak Sevak Branch Post Master (GDSBPM), Bajna from outsider by quashing memo dated 1.3.2005 (Ann.A6).

2. Briefly stated, facts of the case are that father of the applicant while working as Extra Departmental Branch Post Master (Gramin Dak Sevak), Bajna died on 5.8.2002, leaving behind the following members:-

1. Smt. Kunti Devi - widow
2. Shri Laxmi Chand Sharma - son married
3. Shri Dharam Chand Sharma- son unmarried
4. Shri Ganesh chand Sharma - son unmarried

After death of father of the applicant, his mother Smt. Kunti Devi applied for giving appointment to her son, Laxmi Chand Sharma, on compassionate grounds in relaxation of recruitment rules. The case was forwarded to the Principal Chief Postmaster General, Rajasthan Circle, Jaipur for placing the same for

consideration by the CRC, but the same was rejected by the Committee observing that after objective assessment of financial condition of the family, the family is not found in indigent condition. For that purpose, the Committee took into consideration terminal benefits received by the family, number of family members, landed property of the family etc. The case of the applicant was considered on three occasions by the CRC and the decision was communicated to the applicant through SSPO, Sawaimadhopur vide letters dated 27.2.2003, 28.4.2003 and again vide letter dated 1.10.2003. The applicant has stated that case of the applicant for compassionate appointment has been arbitrarily rejected whereas the respondents have given appointment on compassionate grounds ^{to 11 persons} which is evident from Ann.A8.

3. Notices of this application was given to the respondents only on limited grounds that the respondents shall produce the comparative assessment of indigent condition of the applicant vis-à-vis those persons who have been given appointment on compassionate grounds, as according to the learned counsel for the applicant, the CRC had considered the cases of various candidates alongwith the applicant and 11 persons have been recommended but no comparative assessment is available on record as to how the case of the applicant was rejected. The

respondents alongwith the reply have annexed a copy of the comparative chart in respect of 11 persons who have been offered appointment as ED Agent on compassionate grounds including that of the applicant. On merits, the respondents have stated that the case of the applicant was considered by the CRC in its meeting held on 19.2.2003, 28.4.2003 and again reconsidered on 26.9.2003. It is further stated that the CRC observed that the family has received Rs.30,000 as severance amount and Rs.18,000 as ex-gratia gratuity. The family is having own house to live in and agriculture land of 1 Bigha and 2 Biswa from which the family is deriving Rs. 2000/- per year. It is further stated that two sons of the deceased employee are major and they can easily assist the family by doing some job. The family does not have liability of marriage of daughter. It is further stated that father of the applicant expired on 5.8.2002 after attaining age of 59 years and one month. In view of above, the CRC did not find the case of the applicant indigent and rejected accordingly.

4. The applicant has filed rejoinder thereby reiterating the submissions made in the OA. It is stated that respondents extended compassionate appointment to one Smt. Santosh Devi who was extended terminal benefit of Rs. 1,07,101/- whereas the applicant's family has been paid Rs. 48,000/-. It is

further stated one Shri Manoj Kumar Jangid has been given appointment whose family is not in indigent condition in comparison to the applicant and extended appointment as per directions of respondent No.1 inspite of the fact that his case was also rejected by the CRC (Ann.A9).

5. I have heard the learned counsel for the parties and gone through the material placed on record.

6. From the material placed on record, it is evident that case of the applicant alongwith 49 persons was considered by the CRC in its meeting held on 19.2.2003. Besides this, the Committee also reconsidered cases of two persons. Out of 52 candidates, the CRC recommended names of 11 persons only for appointment on compassionate grounds after taking into consideration the comparative assessment of the financial condition of the families of deceased employee whereas regarding remaining cases it was observed that they were not found indigent, as such their cases were rejected. The respondents have placed on record comparative statement of 11 persons whose cases were recommended by the Committee vis-à-vis case of the applicant as Ann.R1 whereby particulars have been given for taking into consideration the balanced and objective assessment of financial condition of the

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families. At this stage, it will be useful to quota Ann.R1 which is in the following terms:-

Sl. No.	Name of applicant	Date of birth	Terminal benefits	Property	Income	Family members	Unmarried ----- Sons/Daughters	Major ----- Son/daughter	Minor ----- Son/daughter
1.	Smt. Kanya	9.6.99	58,000	Own house, 0.10 hectare land	10000 p.a. from land	7	2 4	- -	2 4
2.	Smt. Santosh devi	12.2.02	1,07,101	Kaccha house	-	4	2 -	- -	2 -
3.	Smt. Laxmi devi	22.9.01	58,000	Own house	-	5	1 3	- -	1 3
4.	Sh. Doresh Kumar	4.3.02	48,000	Kaccha house	-	6	1 1	1 mentally/divorced retired	1 1
5.	Smt. Beena Sharma	6.9.01	58,000	Own House	-	2	1 -	- -	1 -
6.	Smt. Sumitra devi	12.4.02	44,000	-	-	3	1 1	- -	1 1
7.	Smt. Bhuri devi	1.3.02	32,450	Own house, 1 Biga land	Rs.2000 P.A.	5	1 3	- -	1 3
8.	Smt. Kamlesh Soni	24.5.02	43,905	-	-	4	2 1	- -	2 1
9.	Smt. Geeta devi	3.6.02	48,000	-	-	3	- 2	- 2	- 2
10.	Sh. Mukesh Kumar	3.8.01	45,390	Kaccha House	-	4	2 1	1 -	1 1
11.	Smt. Raj Kumari	27.12.2000	48,000	Own house	Rs.5000 P.A.	4	2 1	- -	2 1
12.	Sh. Laxmi Chand	5.8.02	48,000	Own house, 1 Biga Agri. Land	Rs.2000 P.A.	4	3 -	2 -	1 -

7. Thus, from the portion as quoted above, it cannot be said that the case of the applicant is on better footing as compared to 11 candidates approved by the CRC. The applicant has made grievance regarding Smt. Santosh Devi in his rejoinder. No doubt, Smt. Santosh Devi has received terminal benefits to the tune of Rs. 107,101/- as compared to Rs. 48000/- received by the family of the applicant, but if one has regard to other aspects of the matter, it is clear that family of Smt. Santosh Devi does not possess agricultural

land and also that the house owned by Smt. Santosh Devi was Kachcha one as compared to the applicant where the family has own house and 1 bigha and 2 biswa of agriculture land. Further, in the case of Smt. Santosh Devi, there were liabilities of two minor sons whereas in the case of the applicant there was only one minor son and two major sons who can assist the family in better way as compared to the case of Smt. Santosh Devi. That apart, from perusal of comparative statement, it is clear that family of the applicant was deriving annual income of Rs. 2000/- from agriculture land whereas in the case of Smt. Santosh Devi there was no such income. Thus, it cannot be said that case of the applicant was on better footing than that of Smt. Santosh Devi. In any case, this Tribunal is concerned with appointment of ED Agent on compassionate ground. It is not the case where the appointment has to be made against Group D or C post against any of the vacancies arising in Circle/Department. In the case of ED Agent, scheme of compassionate appointment is slightly different. The appointment on compassionate grounds in respect of dependents/near relatives of the deceased ED Agents is ordinarily made against the vacancy caused due to death of ED Agent by appointing one of his/her dependent on compassionate grounds. Departure from this normal rule is only in those cases where the vacancy at village post office is not available and in

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that contingency compassionate appointment can be given in any other post office in vicinity or neighbourhood of his place of residence. Since the applicant in this OA has prayed that post of GDSBPM, Bajna against which case of the applicant for appointment on compassionate grounds was considered/required to be considered may not be filled from outsider as intended by the respondents by issuing notification dated 1.3.2005 (Ann.A6) and that this Tribunal while issuing notices has declined to entertain the OA on this ground and notices were issued on the limited ground whether the condition of the applicant vis-à-vis 11 approved candidates was more indigent who have been given appointment on compassionate grounds, this Tribunal directed the respondents to apprise this Tribunal whether the post of GDSBPM, Bajna has been filled on regular basis. The respondents have filed MA No.66/06 and alongwith this MA, the respondents have also annexed copy of letter dated 24.2.2006 as Ann.MA/1. From perusal of this letter it is clear that post of GDSBPM, Bajna has been filled on 8.6.2005 by selection of deserving candidate. In view of this subsequent development, there is no post of GDSBPM, Bajna against which the case of the applicant for compassionate appointment was required to be considered. Even on this ground, the applicant cannot be granted any relief as the vacancy caused due to death of father of the applicant

has been filled in by appointing regular candidate. It is not the case of the applicant in this OA that some vacancies of GDSBPM are lying vacant in the Post Office in vicinity/neighbourhood of his place of residence and his case ought to have been considered against that vacancy.

8. For the foregoing reasons, I am of the view that the applicant is not entitled to any relief as the vacancy of GDSBPM, Bajna has already been filled up by appointing regular selected candidate and the applicant has not shown that there is any other vacancy available in the vicinity/neighbourhood of his place of residence where the applicant could have been posted. In the absence of any vacancy, the applicant is not entitled to any relief of appointment on compassionate grounds, even if for arguments sake it is assumed that findings of the CRC regarding indigent circumstances of the family of the applicant is wrong.

9. The OA is accordingly dismissed with no order as to costs.

10. Misc. Application No.144/2005 for condonation of delay and MA No.66/2006 thereby placing letter dated 24.2.2006 on record shall stand allowed.


(M.L. CHAUHAN)

Member (Judicial)