

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 22nd day of January, 2009

ORIGINAL APPLICATION NO.565/2005

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

Mradul Sharma
s/o Late Shri Rajnee Kant Sharma,
r/o Ward No.16, Near Chungi No.2,
Katra Nadbai,
District Bharatpur (Raj).

... Applicant

(By Advocate : Shri Ambika Desai)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication &
Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Director General,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
3. Chief Post Master General,
Department of Posts,
Rajasthan Circle,
Jaipur.
4. Asstt.Post Master General (S&V),
Department of Posts,
Rajasthan Circle,
Jaipur.
5. Director Postal Services,
Department of Posts,
Rajasthan Circle,
Jaipur.

6. Post Master (HO),
Department of Post,
Bharatpur City,
Bharatpur.
7. Supdt. of Post Offices,
Bharatpur Division,
Bharatpur.

... Respondents

(By Advocate : Shri B.N.Sandu)

ORDER

PER HON'BLE MR.B.L.KHATRI

This OA has been filed against recommendations of the Circle Relaxation Committee (CRC) dated 13.9.2005 (Ann.A/1) as case of the applicant has not been recommended for compassionate appointment. The applicant has filed this OA thereby praying for the following relief :

"By an appropriate writ, order or direction quash and set aside the impugned order dated 13.9.2005 passed by respondent No.3 as Ann.A/1.

By an appropriate writ, order or direction the respondents may be directed to give appointment to the applicant on compassionate ground in place of his late father."

2. Brief facts of the case are that applicant is the only son of late Shri Rajnee Kant Sharma who was posted as Postal Assistant in Bharatpur and expired on 12.12.2004 while in service. The CRC did not recommend the case of the applicant for appointment on compassionate grounds for the reason that the family was getting pension amounting to Rs.3330/- + DR per month and ~~the~~ had received terminal benefits to the tune of Rs.6,74,541/-. After comparative assessment of the cases,

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the CRC was of the opinion that the family was not in indigent condition and hence candidature of the applicant was rejected.

3. Learned counsel for the applicant has assailed the recommendation of the CRC on the ground that comparative economic condition of the applicant had not been properly appraised by the CRC. Besides, the respondents have not filed complete detail regarding all the cases considered by the CRC and they have also not filed the comparative statement of the economic condition of the persons who had been selected, as is evident from Ann.R/8, which is minutes of the meeting of CRC held on 22.8.2005 in the Circle Office, Jaipur.

4. Learned counsel for the respondents vehemently argued that the CRC had rightly assessed the economic condition of all the candidates and in the comparative statement case of the applicant was not found to be that of indigent condition. Therefore, the case of the applicant was rejected.

5. I have heard learned counsel for the parties and perused the material available on record. It is found from para-1 & 2 of the reply filed by the respondents that case of the applicant for compassionate appointment was considered by the CRC which met on 22.8.2005 in light of the instructions contained in DOP&T OM dated 9.10.98, followed by clarifications issued vide OMs dated 3.12.99, 20.12.99, 24.11.2000, 16.5.2001, 22.6.2001 and 4.7.2002 (Ann.R/1 to R/7 respectively). There were three vacancies available for appointment on compassionate grounds in the cadre of Postal Assistant/Sorting Assistant for the year 2004, for which the applicant as per his


educational qualification was eligible. The CRC considered 25 cases including the case of applicant against three vacancies. After perusal of the minutes of the meeting of the CRC, I find that complete comparative statement of all the 25 candidates has not been given and there is no mention at all of the comparative economic condition of the candidates who had been selected against said three vacancies.

6. Learned counsel for the applicant also taken a specific plea that while looking into the indigent condition, the CRC did not take into account the liabilities etc. of the family. The Government has to exercise discretion after weighting various factors such as the financial condition of the family of the deceased employee, the assets and liabilities owned by the family, the retiral benefits received by the family etc.

7. I also find that the applicant had filed a detailed representation on 28.10.2005 (Ann.A/5), which has still not been decided by the respondents. Since economic condition of the applicant had not been properly assessed and representation of the applicant has not been decided, the respondents are directed to reconsider the case of the applicant in the next CRC meeting, wherein representation of the applicant dated 28.10.2005 (Ann.A/5) can also be taken into consideration. While reconsidering case of the applicant, liabilities of the family should also be taken into consideration, subject to rules and regulations and administrative instructions on the subject.

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8. With these observations, the OA stands disposed of. No order as to costs.


(B.L. KHATRI)
MEMBER (A)

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