

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th day of August, 2010

ORIGINAL APPLICATION NO. 270/2007

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

Om Prakash Jat son of Late Shri Bheru Lal Jat aged about 27 years, resident of village and post Rindlya Rampura (Malpura), District Tonk. Aspirant for appointment on compassionate grounds on the post of Gramin Dak Sevak Branch Post Mastter, Rindlya Rampura (Malpura) Branch Post Office.

.....Applicant

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

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Post, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Tonk Postal Division, Tonk.

.....Respondents

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA thereby praying for quashing of the order dated 11.07.2007 (Annexure A/1) whereby the case of the applicant for compassionate appointment was rejected on the basis of the observations made by the Circle Relaxation Committee to the effect that (i) deceased employee has left his widow, father & mother, one married son and one married daughter. (ii) the family has received terminal benefits to the tune of Rs.48,000/- (iii) the family has its own house to live in (iv) in addition to the above, the deceased employee has left 1.10 hectare of land and family is

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receiving income worth Rs.10,000/- per annum from the land. It is this order which is under challenge before this Tribunal and the applicant has prayed that the said order be quashed and direction may be given to the respondents not to fill up the post of Gramin Dak Sevak Branch Post Master Rindliya Rampura (Malpura) Branch Post Office, Tonk without further consideration of the applicant.

2. At this stage, few facts may be noticed. ~~that~~ Late Shri Bheru Lal Jat, father of the applicant, suddenly died on 19.03.2007 and the post of Gramin Dak Sevak Branch Post Master Rindliya Rampura (Malpura) Branch Post Office, Tonk became vacant. Pursuant to falling of vacant post, Superintendent of Post Office, Tonk called upon the widow to apply for appointment of herself or her legal heirs for the aforesaid post on compassionate grounds vide letter dated 28.03.2007 (Annexure A/3). It may be stated that the branch office is single handed and due to death of father of the applicant, one Shri Prahlad Raj Sharma, Gramin Dak Sevak Mail Carrier, Malpura was ordered to work on the said post under officiating duty. The widow of the deceased proposed her son, Shri Om Prakash, the applicant, for appointment on compassionate grounds vide application dated 10.05.2007, which application was recommended by the Superintendent of Post Office, Tonk. However, the case of the applicant had been rejected by the Circle Relaxation Committee for the reasons, as stated above. According to the applicant, the family is in indigent circumstances and it is a fit case where directions should be given to the give him appointment on the aforesaid post.

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3. Notice of this application was given to the respondents. The respondents have filed their reply. The facts, as stated above, have not been disputed by the respondents. The respondents while relying upon the reasoning given in the impugned order dated 11.07.2007 (Annexure A/1) have specifically stated that the condition of the family was not found to be indigent by the Circle Relaxation Committee and as such, the case of the applicant was rightly rejected. It is further stated that the scheme for compassionate appointment is not intended to solve the problem of unemployment but was only intended to provide relief to the family of deceased employee from the financial crisis. In the present case, the family is not in indigent condition as the family is having additional source of income from agriculture land and the family is not having liabilities of marriage of son or daughter or education of minor children. The family is also having own house and the applicant is having own family and is aged about 27 years and hence he cannot be said to be a dependant on deceased employee as has been held by the Central Administrative Tribunal, Jodhpur Bench in similar cases.

4. The applicant has filed rejoinder thereby reiterating the submissions made by him in the OA. It has also been pleaded that the case of the applicant was not considered by the Circle Relaxation Committee in its right perspective and the same was considered by circulation of papers as is evident from document (Annexure R/2). It is further stated income of Rs.800/- from agricultural land is not sufficient to maintain the family.

5. I have heard the learned counsel for the parties and have gone through the material placed on record. During the pendency of this OA, vide order dated 13.10.2008, this Tribunal had directed the respondents to apprise whether the post of GDSBPM, Reendhiya Rampura, Tonk Division is still lying vacant. On the oral instructions imparted to this Tribunal, the said post has not been filled in on regular basis till date. However, the work of the said post is being done by deploying additional hands. No doubt, it is true that compassionate employment cannot be given after a reasonable period and consideration of which is not a vested right. It is only in exceptional and deserving circumstances where the family is in indigent circumstances, the case of a person for grant of compassionate appointment has to be considered. In the instant case, the family has received terminal benefits of Rs.48,000/- and Rs.12,644 under Group Insurance Scheme. Thus in total, the family had received Rs.60,644. However, as can be seen from the material placed on record, there is liability of father & mother, who were dependant on the deceased employee, as such it is not a case of such nature where the family is not facing any liability even if it is assumed that the applicant is a major, as such cannot be considered as a liability on the family. Thus in view of the peculiar facts & circumstances of the present case and the fact that the family has received a meager amount of Rs.60,644/- and also the fact that the said post of Gramin Dak Sevak Branch Post Master Rindliya Rampura (Malpura) Branch Post Office, Tonk, has not been filled in so far, I am of the view that it is a case, which is required to be reconsidered by the respondents as the Circle Relaxation Committee appears to lost sight of the fact that there is liability of

parents in the family and further the matter was considered by the Committee by circulation. The submission made by the learned counsel for the applicant that the finding recorded by one member had been approved by other members of the Committee cannot be out rightly rejected. Be that as it may, in the peculiar circumstances of the case, especially when the post of Gramin Dak Sevak Branch Post Master Rindliya Rampura (Malpura) Branch Post Office, Tonk is still lying vacant, the order dated 11.07.2007 (Annexure A/1) is quashed and set aside and the respondents are directed to reconsider the matter again and pass appropriate order. Such reconsideration shall be done within a period of three months from the date of receipt of a copy of this order. It may be stated that such directions have been given in the peculiar facts & circumstances of this case and shall not be treated as a precedent in other cases of ED Agents.

6. With these observations, the OA is disposed of with no order as to costs.



(M.L. CHAUHAN)
MEMBER (J)

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