

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

26.03.2009

OA No. 414/2007

Mr. P.N.Jatti, counsel for applicant
Mr. B.S.Sandu, counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA stands disposed of.


(M.L.CHAUHAN)

Judl.Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 26th day of March, 2009

ORIGINAL APPLICATION No. 414/2007

CORAM:

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

Anil Kumar Garg,
s/o late Shri Subash Chandra,
r/o 5/723, Garg Sadan,
Indra Nagar, Near Heera Das Kunda,
Bharatpur (Raj).

.. Applicant

(By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India
through the Secretary to the Govt. of India,
Department of Post,
Dak Bhawan,
Sansad Marg,
New Delhi.
2. The Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Superintendent of Post Offices,
Bharatpur Division,
Bharatpur.

... Respondents

(By Advocate: Mr. B.S.Sandu)

O R D E R (ORAL)

The grievance of the applicant in this case is
regarding the impugned order Ann.A1 whereby case of
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the applicant for compassionate appointment was rejected on the following grounds:-

1. The ex-official expired on 29.8.2005
2. As per synopsis, the ex-employee had left widow and three unmarried sons.
3. As per educational qualification, the applicant was eligible for appointment on compassionate grounds on the post of P.A.
4. The family is getting family pension amounting to Rs. 2682/- + DR p.m.
5. The family had received terminal benefits to the tune of Rs. 150960/-
6. In assets, the family has own house to live in.

2. Notice of this applicant was given to the respondents. The respondents have filed reply. Alongwith the reply, the respondents have also annexed comparative chart for the vacancies in the year 2005 in the cadre of Postal Assistant and Postman. As per the stand taken by the respondents in the reply, there were in all 10 vacancies of Postal Assistant and Postman. From the material placed on record it is also evident that case of the applicant was considered against the post of Postal Assistant. From perusal of the comparative chart it is also evident that candidates who have been approved against the post of Postal Assistant were more deserving than the applicant ~~and~~ in view of the limited vacancies for the

year 2005 and the persons who have been approved for compassionate appointment there were more liabilities in the nature of unmarried daughter and minor children whereas there was no such liability so far as applicant is concerned, the action of the respondents in rejecting the claim of the applicant cannot be faulted.

3. The learned counsel for the applicant submits that his case could have been considered against the vacancy of Postman category and, in that eventuality, he has a better claim than the person who has been approved for the said category as per the comparative chart annexed with the reply.

4. According to me, it is a new case set up by the applicant which cannot be entertained on the basis of the oral arguments without any pleading to this effect. The learned counsel for the applicant submits that he may be permitted to withdraw this OA with liberty reserved to him to file a substantive OA challenging selection of the candidate who has been approved for appointment in the cadre of Postman on the basis of the comparative chart placed on record by the respondents, against which category of post his claim has not been considered by the respondents, thus resulting into appointment of less deserving candidates as compared to the applicant.

5. In view of what has been stated above, the applicant is permitted to withdraw this OA with liberty reserved to him to file substantive OA for the same cause of action.

6. The OA stands disposed of accordingly with no order as to costs.



(M.L.CHAUHAN)

Judl.Member

R/