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CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

ORDERS OF THE TRIBUNAL

15.09.2011

OA No. 355/2008

Mr. P.N. Jatti, Counsel for applicant.  
Mr. Gaurav Jain, Counsel for respondents.

On the request of the learned counsel for the applicant, put up on 22.09.2011.

*Anil Kumar*  
(Anil Kumar)  
Member (A)

*ahq*

*[Signature]*

*8*

22/09/2011 [OA 355/2008]

Mr. P.N. Jatti, Counsel for applicant.

Mr. Gaurav Jain, Counsel for respondents.

Heard,

The O.A. is disposed of by a separate order on the separate sheet for the reasons recorded therein.

*Anil Kumar*  
[Anil Kumar]  
Member (A)

*[Signature]*

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 355/2008

**DATE OF ORDER:** 22.09.2011

**CORAM**

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Farook Ali Ansari S/o late Shri Abdul Sadik, aged about 28 years,  
R/o Village & Post Palaytha, Tehsil Anta, District Baran.

...Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

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

...Respondents

Mr. Gaurav Jain, counsel for respondents.

**ORDER (ORAL)**

The applicant has filed the present Original Application seeking the following reliefs: -

- "(i) That the entire record relating to the case be called for and after perusing the same, respondents may be directed to reconsider the case of the applicant and to give him appointment on any suitable post on compassionate grounds by quashing the letter dated 13.12.2007 (Annexure-A/1) with all consequential benefits.

Any other relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances stated above may also kindly be granted in favour of your humble applicants."

2. The brief facts of the case, as stated by the applicant, are that the father of the applicant was a substantive employee working with the respondent-department on the post of GDS,

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Palaytha, who expired on 06.01.2007. Upon the death of his father, the applicant's mother made a request to the department for grant of compassionate appointment to the applicant on a suitable post. The respondents considered the request for appointment on compassionate ground but rejected the same vide order dated 13/14.12.2007 (Annex. A/1) on the ground that the committee, after objective assessment of financial condition of the family, did not find the family in indigent condition. Being aggrieved by this impugned order dated 13/14.12.2007 (Annex. A/1), the applicant has filed the present Original Application.

3. Heard the learned counsels appearing for the respective parties and carefully perused the pleadings and documents available on record.

4. Learned counsel appearing for the applicant argued that the family of the applicant is very poor. The family of the applicant is not having any source of income, and he has two elder brothers, who are living separately and the family is having no support from them. The family of the applicant is indigent because no earning member is available in the family and nothing is with the family in the shape of movable and immovable property, therefore, the case of the applicant is deserving one for appointment on compassionate grounds. The government of India circulated revised consolidated instructions on the Scheme for compassionate appointment vide OM dated 09.10.1998 in which it has been mentioned in Para 16 (C) that application for compassionate appointment should, however, not be rejected merely on the ground that the family of the

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Government servant has received the benefits under the various welfare scheme.

5. Learned counsel appearing for the applicant further submitted that the applicant is in extreme need of employment to maintain himself and his mother. The terminal benefits have already been spent on the loans taken during the life time of the father of the applicant. The family of the deceased is not receiving any pensionary benefit from the department, and as such there is no income in the family to survive. Therefore, the applicant should be given appointment on compassionate grounds.

6. On the contrary, the learned counsel appearing for the respondents argued that it is not disputed that the father of the applicant expired on 06.01.2007. The Circle Relaxation Committee considered the case of the applicant for appointment on compassionate grounds to the post of GDS under the provisions and instructions for compassionate appointment to dependants of Gramin Dak Sevaks contained in Section "X" of Service Rules of Postal Gramin Dak Sevaks and Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training letter No. 14014/6/94-Estt. (D) dated 09<sup>th</sup> October, 1998 amended from time to time. The Scheme stipulates that appointment on compassionate grounds may be offered to one dependant of an ED official who dies while in service leaving the family in indigent circumstances. Such employment to the dependant should, however, be given only in very hard and exceptional cases. It is not the object of the Scheme to provide employment in each and every case.

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7. Learned counsel appearing for the respondents further submitted that the Circle Relaxation Committee at C.O. level in the office of Chief Post Master General, Rajasthan Circle, Jaipur held on 23.11.2007 & 30.11.2007, considered the case of the applicant as per information / particulars furnished by him in the prescribed synopsis and observed that the deceased GDS ~~was~~ died at an age of 59 years, had left widow, three married sons aged 36, 32 and 28 years and two married daughters living with their husbands at the time of death. The family has own house to live in, landed property 3 Bigha land, received terminal benefit of Rs. 48,000/-, all sons are married and major above 25 years of age, cannot said to be dependant of the deceased GDS in which two are doing private work earning Rs. 24,000/- per annum each who can also assist the deceased family. Mother of the applicant is also earning Rs. 15,000/- per annum from Bidi Udyog. The applicant is also major and above 25 years of age, who also can earn by doing some job. The family has no liabilities of education of minor children and marriage of daughters.

8. Learned counsel for the respondents further argued that after objective assessment of the financial condition of the family, the committee did not find the family in indigent condition, and the case of the applicant for appointment on compassionate ground to the post of GDS was not recommended and the respondents accordingly rejected the request of the applicant.

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9. In support of his argument, the learned counsel appearing for the respondents referred to the judgment rendered by the Hon'ble High Court of Rajasthan, Jaipur Bench, Jaipur in the case of **Sarjeet Kumar vs. Union of India & Ors.** (DB Civil Writ Petition No. 9775/2007) decided on 03.04.2008, and submitted that the ratio laid down by the Hon'ble High Court in the said case, squarely applicable in the facts and circumstances of the present case.

10. Having heard the rival submissions made on behalf of the respective parties and upon careful perusal of the pleadings and documents available on record, I am of the considered opinion that there is no need to interfere with the order passed by the respondent-department on 13/14.12.2007 (Annex. A/1) whereby rejected the case of the applicant for providing appointment on compassionate grounds, on the ground that the committee, after objective assessment of financial condition of the family, did not find the family in indigent condition.

11. I have noticed that the deceased i.e. the father of the applicant left behind his widow, three married sons aged about 36, 32 and 28 years, and two married daughters living with their husbands at the time of his death. The family has own house to live in, besides landed property 3 Bigha land, the family also received terminal benefit of Rs. 48,000/-. Two married and major sons of the deceased are doing private work earning Rs. 24,000/- per annum each, besides, the mother of the applicant is also earning Rs. 15,000/- per annum from Bidi Udyog. The family of the deceased has no liabilities of education of minor

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children and marriage of daughters. Therefore, in my opinion, the ratio laid down by the Hon'ble High Court in the case of **Sarjeet Kumar vs. Union of India & Ors.** (supra) is squarely applicable in the facts and circumstances of the present case.

12. The Hon'ble Supreme Court in the case of **Punjab National Bank vs. Ashwini Kumar Taneja**, reported in JT 2004 (6) SC 418 : 2004 (7) SCC 265, has observed that: -

"It is to be seen that the appointment on compassionate ground is not a source of recruitment but merely an exception to the requirement regarding appointments being made on open invitation of application on merits. Basic intention is that on the death of the employee concerned his family is not deprived of the means of livelihood. The object is to enable the family to get over sudden crisis."

13. In the present case, the respondents have considered the case of the applicant, and after objective assessment of financial condition of the family, the committee did not find the family in indigent condition, and accordingly rejected the case of the applicant for providing appointment on the compassionate ground.

14. In view of the above observations, I am of the considered view that there is no merit in the present case and the same deserves to be dismissed. Consequently, the Original Application stands dismissed being devoid of merit. In the facts and circumstances of the case, there shall be no order as to costs.

*Anil Kumar*  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER