

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 19th day of August, 2010

Original Application No. 213/2009

CORAM:

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

Bhagwan Sahai Nagar,
s/o Shri L.N. Nagar,
r/o Plot No.3, Shri Ram Nagar Colony,
Malpura Gate,
Sanganer, Jaipur.

.. Applicant

(By Advocate: Shri P.N. Jain)

Versus

1. Union of India through
the Secretary to the Govt. of India,
Department of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi.
2. The Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Senior Superintendent,
Railway Mail Service,
J.P. Division,
Opp. Radio Station,
Jaipur

... Respondents

(By Advocate: Shri Gaurav Jain)



ORDER (ORAL)

The applicant has filed this OA thereby challenging the order dated 16/1/2007 (Ann.A/1) whereby case of the applicant for compassionate appointment was rejected pursuant to the observations made by the competent authority to the following effect.

1. The ex-official expired on 6/6/2005.
2. As per synopsis the ex-employee had left widow, four married son and two married daughter.
3. As per educational qualification, the applicant was eligible for appointment on compassionate grounds on the post of PA Cadre.
4. The family is getting family pension amounting to Rs. 4875 + DR Per month.
5. The family had received terminal benefits to the tune of Rs. 4,14,155/-.

The committee considered the case in light of instructions issued by DO P&T OM dated 9/10/98 followed by clarification issued vide OM dated 3/12/99, 20/12/99 and 14/11/2000 and vacancy position of the cadre.

The committee, after objective assessment of financial condition of the family did not find the family in indigent condition and hence the case has been rejected."

2. The challenge has been made on the ground that late Shri L.N.Nagar has borrowed Rs. 1,20,000/- from the Jaipur Cooperative Society, Rs. 1,35,000/- from Shri Giriraj Sharma and Rs. 74250/- from HDFC, as such, the terminal benefits received by the family of the deceased has been exhausted. It is further pleaded that one Shri Mahesh Kumar s/o Shri Kunj Bihari Joshi who has obtained 28 points has been offered appointment in preference to the applicant who has obtained 29 points as per the details given vide Ann.A/8. It is on the basis of these facts the applicant has filed this OA thereby

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pleading that family of the applicant is in indigent circumstances requiring immediate relief.

2. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have categorically stated that the ex-employee expired on 6.6.2005 after rendering 35 years, 4 months and 18 days of service. It is further pleaded that two daughters of the deceased employee are married and, as such, there is no liability on the family to this effect. Similarly, it is also pleaded that all the sons are major and above the age of 25 years and three sons are living separately and all are able to earn for their livelihood by doing some job. It is also pleaded that family has received terminal benefits to the tune of Rs. 4,14,155/- and widow is getting family pension of Rs. 4875/- + DA per month. The respondents have further pleaded that the Committee found that there is no specific liability such as marriage of daughters and education of minor children. As such, according to the respondents, it is not a deserving case. Regarding the averment made by the applicant that compassionate appointment was given to one Shri Mahesh Kumar Joshi who has secured 28 points as against the applicant who has secured 29 points, it has been stated that no doubt the case of Shri Mahesh Kumar Joshi was recommended by his Divisional Head but the Circle Relaxation Committee has rejected both the cases after overall assessment of financial condition of the deceased families. The respondents have also enclosed list of candidates who have been approved for compassionate appointment as Ann.R/10, perusal of which show

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that case of Shri Mahesh Kumar Joshi has not been recommended by the Committee for appointment on compassionate grounds. Thus, this assertion made by the applicant in the OA deserves outright rejection.


3. The applicant has filed rejoinder thereby reiterating the averments made in the OA.

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

5. The question which requires my consideration is whether the applicant has made out a case for grant of relief and whether in the facts and circumstances of the case, it can be said that the family of the deceased employee was in indigent circumstances warranting compassionate appointment. From the facts as stated above, it is evident that widow of the deceased employee is getting family pension to the tune of Rs. 4875 + DA per month. All the four sons are married and major, out of which three sons are living separately. It is only the applicant who is living with the widow. In these circumstances, the widow who is getting family pension of more than Rs. 6000/- per month cannot be said to be in indigent circumstances even if the terminal benefit to the tune of Rs. 4,14,155/- received by the family is ignored for the purpose of discharging some of the liabilities which has to be discharged, as pleaded by the applicant in the OA, more particularly, when the family of the deceased is residing in their own house and there is no such liability on the family in this regard.

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6. For the foregoing reasons, the OA the bereft of merit, which is accordingly dismissed with no order as to costs.



(M.L. CHAUHAN)
Judl. Member

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