

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

16

ORDERS OF THE TRIBUNAL

24.10.2011

MA 302/2011 (OA No. 166/2010)

Mr. Sunil Kumar Sharma, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

MA 302/2011

The applicant has filed this MA for restoration of the OA, which was dismissed in default on 20.09.2011.

We have heard the learned counsel for the applicant on MA. The MA is allowed. The OA is restored to its original number.

The MA stands disposed of accordingly.

OA 166/2010

Heard learned counsel for the parties.

The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

J.C.S. Rathore

(Justice K.S.Rathore)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 24th day of October, 2011

OA No. 166/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Yatish Dubey
s/o late Shri Jainarayan Dubey,
r/o 10/483, Kaveri Path,
Mansarovar, Jaipur

.. Applicant

(By Advocate : Shri Sunil Kumar Sharma)

Versus

1. Union of India
through Secretary,
Ministry of Post and Telecommunication,
Government of India,
New Delhi.
2. The Chief Postmaster General,
Rajasthan Circle,
Department of Post and Telecommunication,
General Post Office,
Jaipur
3. Senior Superintendent of Post Offices,
Jaipur City Division,
Jaipur

... Respondents

(By Advocate : Shri Mukesh Agarwal Agarwal)

ORDER (ORAL)

The present OA is directed against the letter dated 4.9.2009 (Ann.A/1) by which case of the applicant has been considered and after objective assessment of the financial condition of the family, the Circle Relaxation Committee (CRC) did not find the family in indigent condition and hence appointment on compassionate ground to the applicant has been denied.

2. Having aggrieved and dis-satisfied with the letter dated 4.9.2009, the applicant submitted that father of the applicant died on 11.10.2007 and thereafter the applicant submitted application in the prescribed proforma on 29.4.2008 which was complete in all respect, as admitted by the respondent department itself, and the eligibility of the applicant is not in question, but even then the applicant has been denied compassionate appointment on the ground that the Circle Relaxation Committee after objective assessment of the financial condition did not find the family in indigent condition.

3. The learned counsel appearing for the respondents submitted copy of the minutes of the CRC held on 23.7.2009 (Ann.R/3). Perusal of these minutes reveals that case of the applicant appearing at Sl.No.11 was considered along with



other candidates and after objective assessment, the Committee observed that father of the applicant expired on 11.10.2007 leaving behind widow, one married son and one unmarried son. The deceased employee was due to retire on 31.10.2010. The family has own house to live in and is getting family pension of Rs. 6225/- + D.R. per month and got terminal benefits of Rs. 9,85,359. It is also observed that the family is not having any liabilities and son of the deceased who is qualified upto M.Sc. has applied for appointment on compassionate grounds. After making comparative assessment, the Committee did not find the case indigent hence the same was rejected.

4. Having considered the submissions of the respective parties and upon perusal of the minutes of the Committee, it reveals that the Committee has objectively assessed the financial condition of the family and after carefully going through the minutes it is evident that in comparison to the applicant, the financial condition of other candidates who were given appointment on compassionate ground was more indigent and thus, we find that the respondents have not discriminated among the similarly situated persons. Only 15 vacancies of Postal Assistant/Sorting Assistant cadre were earmarked for the year 2007 and 2008 regarding appointment

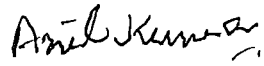


on compassionate ground and the applicant's case was considered along with 36 candidates against 15 vacancies as per the instructions contained in DOPT OM dated 9.10.1998 and OM dated 3.12.1999. The instructions of the scheme stipulate that compassionate appointment is intended to provide immediate assistance to the family in financial crisis. The scheme is not intended to ensure that in each and every case, the member of the family of the deceased employee is employed. The Hon'ble Supreme Court in the case of Umesh Kumar Nagpal vs. State of Haryana and ors., reported at 1994 SCC (L&S) 930 held that whole object of granting compassionate employment is to enable the family to tide over the sudden crisis and not to provide employment. Further observed that mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family and it is only if it is satisfied that for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible members of the family.

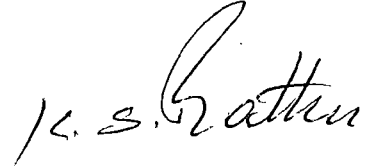
5. Thus, in view of the ratio decided by the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal (supra) and in view of the minutes drawn by the CRC, we find no merit in this OA. Consequently, the OA being bereft of merit



deserves to be dismissed which is accordingly dismissed with
no order as to costs.



(ANIL KUMAR)
Admv. Member



(JUSTICE K.S.RATHORE)
Judl. Member

R/