

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 10th day of May, 2011

ORIGINAL APPLICATION NO. 236/2010

WITH

MISC. APPLICATION NO. 152/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Hakim Singh son of Ram Khiladi by caste Mali, aged about 23 years, resident of Vilage and Post Seeloti Kachipura, Tehsil Karauli, District karauli.

.....Applicant

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

VERSUS

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

.....Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The applicant preferred this OA for appointment on compassionate grounds as father of the applicant, Gramin Dak Sevak Branch Post Master (GDSBPM), in the Branch Post Office Seeloti, was expired while in service. A notification dated 03.02.2010 was issued by the Superintendent of Post Office, Sawaimadhopur, inviting applications to fill up the post of GDSBPM, Seeloti where the applicant's father was working before his death. The applicant applied for compassionate appointment but vide impugned order dated 15.12.2008, Assistant Post Master General, Office of Chief Post Master



General informed the applicant that the committee after objective assessment of financial condition of the family did not find the family in indigent condition and hence the case of the applicant was rejected.

2. Learned counsel for the respondents raised the preliminary objection that the OA has been filed after a delay of more than a year and further submits that the MA which has been filed by the applicant for seeking condonation of delay does not contained any valid reasons. Therefore, the present OA deserves to be dismissed on the ground of delay and latches in view of the judgment rendered by the Hon'ble Supreme court in the case of **D.C.S. Negi vs. Union of India & others** [Petition for Special Leave to Appeal (Civil) No. 7956/2011 decided on 07.03.2011].

3. I have heard the matter on merit also. It is not disputed that the applicant applied for appointment on compassionate grounds and as per chapter 29 of Compassionate Appointment, Clause 4, eligibility has been laid down that compassionate appointments can be made only against direct recruitment quota and as the applicant's father was working as GDSBPM and was getting only the consolidated pay and the post of GDSBPM, Seeloti which has fallen vacant due to death of applicant's father has already filled in through fresh selection advertised on 03.02.2010. The respondents further submits that deceased employee, Late Shri Ram Khiladi, left three major sons namely, Madan Mohan, Keshav singh and Hakim Singh. The family of deceased has received terminal benefits to the tune of Rs.48,000/- and had own kachcha house to living and had 1 hectare agriculture land. The family has no liabilities of education of minor children and



marriage of daughter. All the three sons of the deceased GDS employee are major and able to earn money by doing some job in which two of them are doing agriculture work. Thus in view of the ratio decided by the Apex Court in the case of **HSEB vs. Krishna Devi** reported in JT 2003 (3) SC 485, compassionate appointment cannot be claimed as a matter of right against the guidelines prescribed by the Government of India in the matter. The respondents further submitted that the object of appointment on compassionate ground is only to provide immediate financial help to the deceased family to tide over the sudden crisis. Thus after objective assessment of the financial condition of the applicant, the committee did not find the family in indigent circumstances; hence the application of the applicant for grant of compassionate appointment was rejected.

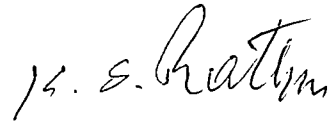
4. In the rejoinder, the applicant had stated that in the letter dated 15.12.2008, the respondents have forgotten to mentioned that deceased has left two married daughters also whose liability is on the shoulder of the applicant. Thus the observation of the CRC was not correct.

5. The present OA has been preferred after a lapse of more than a year and in view of the ratio decided by the Hon'ble Supreme Court in the case of D.C.S. Negi (supra), and the case of the applicant for appointment on compassionate grounds had been considered by the committee way back in the year 2008. Learned counsel for the applicant prayed that looking to the hardship of the applicant, he may be given chance to move fresh application for sympathetic consideration but as discussed above, this OA deserves to be



dismissed not only on the ground of delay & latches but also on merit. Thus I find no merit in the OA and the same deserves to be dismissed. Consequently, the OA is dismissed with no order as to costs.

6. In view of the order passed in the OA, there is no need to pass any order on MA No. 152/2010, which is also accordingly dismissed.



(JUSTICE K.S. RATHORE)
MEMBER (J)

AHQ