

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

18.08.2011

OA No. 316/2010 with MA 196/2010

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

Mr. Mukesh Agarwal, Counsel for respondents.

rejoinder filed.

Learned counsel for the applicant submitted that rejoinder is ready and will be filed in the Registry during the course of the day after providing a copy of the same to the learned counsel for the respondents.

Put up on 08.09.2011.

K.S. Rathore

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

AHQ

3000/-

08/09/2011

OA 316/2010 with MA 196/2010

Mr. P. N. Jatti, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard

The O.A. and M.A. are disposed of by a separate order on the separate sheets for the reasons recorded therein.

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 8th day of September, 2011

Original Application No.316/2010

With MA No.196/2010

CORAM:

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

Braham Prakash
s/o Late Shri Ratan Lal,
r/o Bangali Colony, Ward No.3,
Wedh, District Tonk.

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

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

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

O R D E R (ORAL)

The OA is directed against the impugned order dated
21.8.2009 (Ann.A/1) by which compassionate appointment



has been denied to the applicant. The reason for disallowing the compassionate appointment, as observed by the Circle Relaxation Committee, are that father of the applicant expired while in service on 29.1.2005 and as per the enquiry, the deceased has left behind widow, two married sons and two married daughters. The family is getting family pension of Rs. 4763 + DA per month and also got terminal benefits of Rs. 4,79,697/- . The family has own house to live in and has 5 bighas land. Hence the case of the applicant for compassionate appointment was rejected.

2. The submissions made on behalf of the respondents is that case of the applicant was considered by the Committee on 14.11.2007 against available 3 vacancies of Postman and 5 vacancies of Group-D, earmarked for compassionate appointment for the year 2006 along with other 15 candidates. The Circle Relaxation Committee observed that the family of deceased employee is getting family pension of Rs. 4763+ DR per months and had received terminal benefits of Rs. 4,79,679. The family has own house to live in and 5 bighas agriculture land. There is no liability of marriage of daughter and education of minor children and all sons are married.

3. I have considered the rival submissions of the respective parties and perused the material available on record and the



ratio decided by the Haryana State Electricity Board vs. Naresh Tanwar and Anr., 1996 SCC (L&S) 816 reported at 1996 SCC (L&S) 816 wherein the Hon'ble Supreme Court having considered the decision in the case of Umesh Kumar Nagpal observed that compassionate appointment cannot be granted after a lapse of reasonable period and the very purpose of compassionate appointment, as an exception to the general rule of open recruitment, is intended to meet the immediate financial problem being suffered by members of the family of the deceased employee. In the other decision of this Court in Jagdish Prasad's case, it has also indicated that the very object of appointment of dependent of deceased employee who dies in harness is to relieve the immediate hardship and distress caused to the family by sudden demise of the earning member of the family and such consideration cannot be kept binding for years.

4. Applying the ratio decided by the Hon'ble Supreme Court in the case of Naresh Tanwar (supra) to the present case, admittedly, father of the applicant expired in the year 2005 and family of the deceased has able to maintain and as per assessment of financial condition of the family the Committee did not find the family in indigent condition. Therefore, as per the principle as laid down by the Supreme



Court in the case of Naresh Tanwar (supra), it is evident that compassionate appointment is not a vested right which can be exercised at any time in future. The compassionate appointment cannot be claimed and offered after a lapse of time and after the crisis is over. The very fact that family has survived for a considerable long period apparently shows that family has pulled on without any difficulty. Thus, according to ratio decided by the Hon'ble Supreme Court, the applicant is not entitled for appointment on compassionate ground.

5. Consequently, in view of the observations made hereinabove, I find no merit in this OA and the OA being bereft of merit deserves to be dismissed which is hereby dismissed with no order as to costs.

5. In view of order passed in the OA, the MA is also disposed of accordingly.



(JUSTICE K.S.RATHORE)
Judi. Member

R/