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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

08.09.2011

OA No. 479/2010

Mr. Amit Mathur, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents.

On the request of the learned counsel for the applicant, put up on 13.09.2011.

Anil Kumar
(Anil Kumar)
Member (A)

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13.9.2011

Mr. Amit Mathur, Counsel for applicant
Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)
M (A)

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.**

Jaipur, the 13th day of September, 2011

ORIGINAL APPLICATION No. 479/2010

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Mukut Behari Mudgal son of Late Shri Kailash Chand Mudgal, aged around 27 years, resident of Village and Post Office Geejgarh, Bandikui, District Dausa.

... Applicant
(By Advocate : Mr. Amit Mathur)

Versus

1. Union of India through the Secretary , Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Jaipur (MFI Division, Jaipur).

... Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The applicant has filed this OA thereby praying that the respondents may be directed to give him appointment on compassionate grounds on account of death of his father, who was a Group 'D' employee or to further direct the respondent to consider his case for subsequent vacancies.

2. Brief facts of the case are that the applicant's father, Shri Kailash Chand Mudgal, was a Group 'D' employee in the office of respondents. He died on 22.02.2007. On the death of his father, the applicant applied for appointment on compassionate grounds. However, the respondents have rejected the request

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of the applicant vide letter No. Rect/4-5/2008 dated 18.09.2009 (Annexure A/1). The reasons stated in the order are as follows:-

1. The Ex-employee had expired on 22.02.2007.
2. As per synopsis, the Ex-official had left widow, one married son and one unmarried daughter.
3. The family is getting family pension of Rs.2790 + DR P.M.
4. The family had got terminal benefit of Rs.1,81,825/-.
5. The family of the deceased has parental house to live in.

3. The applicant has stated that when there is death of substantive employee, then it is expected that the family of the deceased employee will get certain terminal benefits. The plea of the respondents that applicant is not entitled to get compassionate appointment is not correct preposition. The applicant further submitted that parental property considered by the respondents belongs to the entire family of the deceased and his brother and forefathers. The applicant is having very minimum portion and on this ground, the OA deserves to be allowed.

4. The respondents have submitted the reply. In their reply, they have stated that the case of the applicant for compassionate appointment under relaxation of recruitment rules was submitted to CPMG, Rajasthan Circle, Jaipur for consideration on 13.02.2008. The case of the applicant was considered by CRC on 23.07.2009 alongwith 22 other applicants against available 10 vacancies of Group 'D' cadre

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earmarked for compassionate appointment for the year 2007 and 2008 The Committee observed that:-

- a) The ex employee expired on 22.02.2007 at the age of 57 and half years and before 2 and half years from the date of retirement.
- b) The ex-employee had left widow, one married son and one unmarried daughter aged 17 years.
- c) The family is getting family pension of Rs.2790/- per month
- d) The family had got terminal benefits of Rs.1,81,825/-
- e) The family of the deceased has parental house to live in.
- f) The family had no major liabilities such for education or minor children etc. except marriage of one daughter.

The Committee after carrying out an objective assessment of financial condition of the family did not find the family in indigent condition in comparison to other candidates approved for compassionate appointment and accordingly not recommended the name of the applicant for compassionate appointment. The decision of the CRC was communicated to the applicant vide this office letter No. B2-62/30/07 dated 19.11.2009 (Annexure A/1). Thus, the decision of the CRC and order dated 19.11.2009 is according with the scheme of compassionate appointment and the applicant has no right for compassionate appointment. Photocopy of the comparison statement has been marked as Annexure R/1.

5. Heard the learned counsel for the parties and perused the documents on record. Learned counsel for the applicant submitted that this OA may be decided in terms of Annexure R/1 filed by the respondents, which is a comparative statement with regard to 23 candidates who applied for

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compassionate appointment. This comparative statement is a detailed exercise undertaken by the respondents. The reasons stated by the respondents in their reply in considering the condition of the applicant as not indigent appears to be reasonable. The exercise conducted by them vide Annexure R/1 is also quite fair. The object of the scheme for compassionate appointment is to uplift the family of the deceased from the sudden financial crises arises due to dying in harness. The scheme is not intended to ensure that in each and every case, the member of the family of the deceased employee will get appointment on compassionate grounds as a matter of course, irrespective of the financial condition of the family of the deceased employee and availability of vacancies. In this case, the Committee did not find the family of the applicant in indigent in comparison to others and, therefore, did not recommend the name of the applicant for appointment on compassionate grounds. Therefore, I do not find any reason to interfere with the impugned order of the respondents dated 19.11.2009 (Annexure A/1). Accordingly, this OA has no merit and is hereby dismissed with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

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