

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

08.11.2011

OA No.500/2010

Ms. Kavita Bhati, counsel for the applicants.
Mr. Mukesh Agarwal, counsel for respondents

Short adjournment as asked for is granted to the respondents
for filing reply.

Put up on 17.11.2011.

K.S. Rathore

(JUSTICE K.S. Rathore)
Judl. Member

R/

17-11-2011

OA No. 500/2010

Ms. Kavita Bhati, counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard.

O.A. is disposed of by a
separate order on the separate sheets
for the reasons recorded therein.

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

Reply filed
Resamder not
filed

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 17th November, 2011

Original Application No.500/2010

CORAM:

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

Aashish Yadav
s/o late Shri Chiranji Lal Yadav,
r/o Vivekanand Nagar,
Sector No.4, Behind Rustagi Dharamshala,
Alwar.

.. Applicant

(By Advocate: Ms. Kavita Bhati)

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. The Senior Superintendent of Post Offices,
Alwar Division,
Alwar.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The present OA is preferred by the son of the deceased employee late Shri Chiranji Lal Yadav, who being dependent of the deceased applied for appointment on compassionate grounds. The learned counsel for the applicant submits that respondents vide letter dated 25.1.2010 (Ann.A/1) asked the mother of the applicant to give N.O.C. from near relatives. Since mother of the applicant was not well and due to her old age the applicant moved application for compassionate appointment. It is submitted that N.O.C. of elder brother and 2 married sisters has already been submitted, but since appointment was not given to the applicant, therefore, the respondents were served with a notice for demand of justice through his counsel on 27.5.2010 claiming relief to consider the case of the applicant and provide suitable appointment on compassionate grounds.

2. On the contrary, the learned counsel appearing for the respondents submitted that the respondents have considered the case of the applicant, but since the Circle Relaxation Committee (CRC) after objective assessment of the financial condition of the family of the deceased employee did not find the case of the applicant fit for compassionate appointment as such, appointment on compassionate grounds was not



recommended. The CRC observed that the Ex-GDS expired on 22.11.2009 at the age of 53 years i.e. before 12 years from the date of retirement. The deceased employee has left behind his wife, two married daughters living with their husbands, two sons aged 30 years and 23 years. Both the sons are in private job and earning Rs. 4500/- and Rs. 3000/- per month respectively. To this effect, the respondents have also placed income certificate dated 15.1.2010 and 27.9.2010 as Ann.R/3 and R/4 alongwith their reply.

3. It is also observed by the Circle Relaxation Committee that the family has own house to live in and got terminal benefits of Rs. 1,32,967/-. The family is not having any liability such as education of minor children and marriage of daughters. Since the family of the deceased employee was not found in indigent condition, therefore, the applicant was not recommended by the Committee for appointment on compassionate grounds. The learned counsel appearing for the respondents placed reliance on the ratio decided by the Hon'ble Apex Court in the case of LIC vs. Asha Ramchandra Ambedkar reported in (1994) 2 SCC 718 wherein the Hon'ble Apex Court observed that Court and Administrative Tribunal can not direct compassionate appointment on the ground of sympathy disregard the instructions/law on the subject. The



Apex Court further held that appointment on compassionate ground is to be given only in deserving cases where the family is in indigent circumstances and need immediate assistance in order to relieve economic distress and can be made in exceptional and deserving cases.

4. The proposition of law on the issue has also been settled by the Hon'ble Supreme Court in the case of Santosh Kumar Dubey vs. State of U.P. reported in (2009) 6 SCC 481, wherein the Hon'ble Supreme Court held as under:-

"11. The very concept of giving a compassionate appointment is to tide over the financial difficulties that are faced by the family of the deceased due to the death of the earning member of the family. There is immediate loss of earning for which the family suffers financial hardship. The benefit is given so that the family can tide over such financial constraints.

12. The request for appointment on compassionate grounds should be reasonable and proximate to the time of the death of the bread earner of the family, inasmuch as the very purpose of giving such benefit is to make financial, help available to the family to overcome sudden economic crisis occurring in the family of the deceased who had died in harness. But this, however, can not be another source of recruitment. This also cannot be treated as a bonanza and also as a right to get an appointment in government service."



5. As observed hereinabove, since after objective assessment of financial condition of the family, the Circle Relaxation Committee did not find the family in indigent condition as well as any liability left with the family, such as education of minor children and marriage of daughter, therefore, the case of the applicant was not recommended for appointment on compassionate ground.

6. Further, the object of compassionate appointment is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment and mere death of the employee does not entitle his family to appointment on compassionate grounds. As per the ratio decided by the Hon'ble Apex Court in the case of Santosh Kumar Dubey (supra), appointment on compassionate grounds should be reasonable and proximate to the time of the death of the bread earner of the family. The very purpose of giving such benefit is to make financial help available to the family to over come sudden economic crisis occurring in the family of the deceased who had died in harness, but can not be another source of recruitment and this also cannot be treated as a bonanza and also as a right to get an appointment in government service.



7. In the facts and circumstances of the case and in view of the ratio decided by the Hon'ble Supreme Court, as referred to hereinabove, in my considered view, there is no merit in this OA and no interference of this Tribunal is required.

8. Consequently, the OA being bereft of merit fails and is hereby dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/