

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

15.11.2011

OA No. 521/2010

Mr. P.N. Jatti, Counsel for applicant.
Mr. V.K. Pareek, Counsel for respondents.

On the request of the learned counsel for the applicant, list it on 08.12.2011.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

8.12.2011

Mr. P.N. Jatti, Counsel for applicant
Mr. V.K. Pareek, Counsel for respondents

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

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 8th day of December, 2011

Original Application No. 521/2010

CORAM:

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

Surendra Kumar Meena
s/o Rohitas Kumar Meena,
r/o Mohalla Bunahera,
Kotputli, Jaipur

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through 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 of Post Offices,
'M' Division,
Sastri Nagar,
Jaipur

.. Respondents

(By Advocate: Shri V.K.Pareek)

ORDER (ORAL)

The present OA is directed against the order dated 31.8.2010 (Ann.A/1) by which the applicant was not considered for appointment on compassionate grounds.

2. Having heard the rival submissions of the respective parties and upon perusal of the material available on record, it transpires that father of the applicant retired on medical grounds and he was allowed pensionary benefits w.e.f. 11.11.2006. The applicant, being son of the ex-employee Shri Rohitash Kumar, applied for compassionate appointment on the ground that family of the ex-employee is in indigent condition.

3. It is not disputed that the applicant being eligible for compassionate appointment was considered alongwith as may as 12 other candidates by the Circle Relaxation Committee. On objective assessment of the financial condition, it is found that father of the applicant is getting monthly pension of Rs. 3500/- + DR and also got terminal benefit of Rs. 64,060/-. The family is in possession of .25 hectare land and annual income of Rs. 2000/-. The family is also owning house property in 300 Sq.Yds and there is no liability like marriage of daughter etc. Therefore, the Committee did not consider the applicant for appointment on compassionate grounds.

4. Further upon consideration of Ann.R/3, it reveals that the applicant has furnished wrong information in the OA. In para 4.3 of



the OA, it is mentioned that applicant is unmarried whereas in Part-II of Ann.R/3, the applicant is shown as married. Further in Part-II i.e. Particulars of all dependents of the govt. servant, 4 members in the family has been mentioned, whereas in para 4.3 of the OA, 7 members in the family has been shown. This is discrepancy in pleadings.

5. Having considered the opinion expressed by the Circle Relaxation Committee after objective assessment of the financial condition of the family of the ex-employee, it is found that the family is not in indigent condition. It is also stated that the appointment on compassionate ground was asked for way back in the year 2007 and case of the applicant was only rejected on 31.8.2010 by the respondents. Of course, the decision was taken by the Committee in the year 2010, but case of the applicant was considered against four vacancies of Group-D available for compassionate appointment for the year 2009 and since the case of the applicant was not found most indigent in comparison to other candidates, therefore, in the light of the judgment rendered by the Apex Court in the case of HSEB vs. Krishna Devi reported in JT 2003 (3) 485, the applicant cannot claim appointment on compassionate grounds as a matter of right and since 2006 to 2010 the family is able to maintain itself, therefore, in the light of the judgment rendered in the case of Hon'ble Supreme Court in the case of Umesh Kumar Nagpal vs. State of Haryana and ors., reported at 1994 SCC



(L&S) 930, the applicant is not entitled to any relief. The Hon'ble Apex Court in Umesh Kumar Nagpal (supra) observed 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 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. It is also observed that compassionate appointment cannot be granted after a reasonable period which must be specified in the rules. Consideration of such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread-winner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

6. Further, the Hon'ble Supreme Court in the case of Life Insurance Corporation of India vs. Mrs. Asha Ram Chandra Amedkar and Anr. reported in (1994) SCC (2) 718, observed that no direction can be issued for compassionate appointment only on the basis of sympathy and the appointment on compassionate ground is only to be given in deserving cases where the family is in indigent circumstances and needs immediate assistance in order to relieve economic distress arise due to death of employee.



7. Consequently, in view of the ratio decided by the Hon'ble Supreme Court, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/