

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 17.01.2013

OA No. 568/2011

Mr. Rajvir Sharma, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

Heard learned counsel for the parties.

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


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 568/2011

DATE OF ORDER: 17.01.2013

CORAM

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

Waseem Akram S/o Late Shri Abdul Rehman, aged about 25 years, R/o Masjid Road, Behind Sefiya School, Anandpura, Kota (Raj.).

...Applicant

Mr. Rajvir Sharma, counsel for applicant.

VERSUS

1. Union of India through Chief Post Master General, Rajasthan Circle, Jaipur – 302007.
2. Sr. Superintendent, Posts, Kota Division, Kota– 324001.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER (ORAL)

The present Original Application has been filed by the applicant challenging the order dated 29.07.2011/01.08.2011 (Annexure A/1) by which it has been informed that the representation dated 06.07.2011 filed by the applicant against the order dated 21.06.2011, was considered by the respondents and it was found that it is not possible to reconsider/review the case of the applicant as there is no change in the financial condition of the family, and the applicant also challenged the order dated 21.06.2011 (Annexure A/2) by which the request of the applicant for appointment on compassionate grounds has been rejected and informed the applicant that after objective



assessment of financial condition of the family than recommended ones and in view of limited vacancy position, the committee did not find the family in indigent condition and hence the case was not recommended for appointment on compassionate ground.

2. The applicant also filed M.A. No. 412/2012 praying for permission to file additional documents in support of rejoinder, which was allowed by this Tribunal vide order dated 20.12.2012, and the additional documents filed along with the MA were taken on record of the Original Application.

3. Upon perusal of the additional documents filed by the applicant, it reveals that there are number of vacancies lying vacant as per the documents issued by the respondents. Further, the applicant also prepared a comparative statement (Annexure A/37), supported by documents, comparing his case with Mrs. Krishan Sharma, Ms. Surbhi Sharma, Mr. Jitendra Prasad Meena, Mr. Ranjeet Singh Panwar, Mr. Surendra Kumar Verma, Mr. Harish Kumar Arya, whose names were recommended for appointment on compassionate grounds.

4. Learned counsel Shri Mukesh Agarwal appearing for the respondents has referred to letter dated 20th January, 2010 (Annexure R/2) issued by the Director (Staff), Government of India, Ministry of Communications & IT, Department of Posts, New Delhi, and submitted that comparative assessment was made by the Circle Relaxation Committee constituted in



accordance with the letter dated 20th January, 2010 (Annexure R/2). He has further drawn my attention towards the criteria adopted for assessing the case(s) for giving appointment on compassionate grounds, and submitted that the department has worked out a system of allocation of points to various attributes based on a hundred point-scale as 'family pension, terminal benefits, monthly income of earning members and income from property, moveable/immovable property, number of dependants, number of unmarried daughters, number of minor children and left over service'. In addition to the above, cases where the wife of the deceased official has applied for compassionate appointment for herself, she shall get additional points as grace points. He has further submitted that the marks were awarded to the individuals accordingly. He also submitted that the case of the applicant along with others was considered by the committee objectively to the entire method and also within the prescribed ceiling of 5% of the direct recruitment vacancies. He also submitted that for want of vacancies under 5% of the direct recruitment vacancies, the applicant was not given appointment on compassionate grounds. Learned counsel for the respondents further submitted that the case of the applicant was not recommended for appointment on compassionate grounds and he was informed accordingly vide order dated 21.06.2011 (Annexure A/2).

5. Learned counsel for the respondents further stated at the bar that the representation dated 06.07.2011 filed by the applicant, against the order dated 21.06.2011, has been



considered and found that there is no change in the financial condition of the family of the applicant and as such vide order dated 29.07.2011/01.08.2011 (Annexure A/1) it was informed that in such situation it is not possible to reconsider/review the case of the applicant for appointment on compassionate grounds.

6. I have heard the rival submissions of the respective parties and carefully perused the material available on record as well the letters / Office Memorandum referred to by the respective parties and the comparative statement, supported by documents, prepared by the applicant.

7. As per the documents filed along with the M.A., it appears that there are vacancies available with the respondents. Further, the applicant is able to show that some of the persons whose names are referred hereinabove received more terminal benefits and also are getting higher pension than the applicant and also having immovable property of higher cost than the applicant. Since the comparative statement is prepared by the applicant, in my considered view, it is necessary to verify and examine the fact by the respondents.

8. Considering the submissions made by the respective parties, I deem it proper to direct the respondents to reconsider/ review the case of the applicant in accordance with the provision of law for the purpose of appointment on compassionate grounds objectively with a view that there are vacancies available with



the respondent-department and also by verifying the fact which are stated in comparative statement prepared (Annexure A/37) by the applicant and shall pass a reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

9. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application as per rules.

10. With these observations and directions, the Original Application stands disposed of with no order as to costs.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

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