

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 22.04.2013**

OA No. 183/2012

Mr. Amit Mathur, 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.

*Anil Kumar*  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER

Kumawat

*For the*

*Honorable Mr. Justice D.N. Doshi  
Administrator of Jaipur Bench*

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 183/2012

**DATE OF ORDER:** 22.04.2013

**CORAM**

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Sonu Saini S/o late Shri Satya Narayan Saini, aged about 26 years, R/o Ward No. 5, Tehsil Bhadra, Post Bhadra, District Hanumangarh.

...Applicant  
Shri Amit Mathur, counsel for applicant.

**VERSUS**

1. Union of India through its Secretary, Department of Post, Dak Bhawan, Sansad Marg, New Delhi,
2. Chief Post Master General, Department of Post, Rajasthan Circle, Jaipur.

...Respondents

Shri Mukesh Agarwal, counsel for respondents.

**ORDER (ORAL)**

By way of filing the present Original Application, the applicant has prayed for the following reliefs:

- "(a). the order Annex. A/1 and A/2 may kindly be quashed and set aside.
- (b). the directions may be issued to the respondents to give appointment to the applicant on compassionate grounds in place of his father.
- (c). Any other order which this Hon'ble Tribunal deems just and proper in the facts and circumstances of the case may also be passed in favour of the applicant."

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that the father of the applicant

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died on 18.10.2007 while in service. He left behind his wife, three unmarried daughters and two unmarried sons.

3. Learned counsel for the applicant further stated that the mother of the applicant moved an application before the respondents praying therein that the appointment on compassionate grounds may be given to the applicant. It is also stated that the father of the applicant was suffering from cancer and remained under the medical treatment for a period of more than three years. Due to the illness of father of the applicant, an amount of more than Rs. 5.00 lacs was borrowed by the family of the applicant from near relatives. He further submitted that the circumstances of the family of the deceased Government employee was indigent but the request for appointment on compassionate grounds was rejected by the respondents vide their letter dated 30.08.2010 (Annexure A/2). Thereafter, the applicant submitted representation before the respondents praying for reconsideration of his case for appointment on compassionate grounds but the same has also been rejected by the respondents vide their letter dated 22.11.2011 (Annexure A/1).

4. Learned counsel for the applicant also submitted that circumstances of the family of the applicant are indigent. The family of the applicant is having no source of earning. Entire family is dependent over the pension received by the widow of the deceased Government employee. The respondents themselves have shown that the income from agriculture land is

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Rs. 500/- per annum and the family of the applicant has also a plot of land worth Rs. 70,000/-. According to the learned counsel for the applicant, this piece of land is a property of joint family in which two other brothers of the deceased Govt. servant are shareholders, therefore, the father of the applicant had only 1/3<sup>rd</sup> share in this land. He further submitted that the respondents vide their letter dated 30.08.2010 (Annexure A/2) have admitted that the father of the applicant had left widow, two unmarried minor daughters and one unmarried minor son and one married son and daughter. Learned counsel for the applicant also submitted that looking to the responsibilities of the family that there are two unmarried minor daughters and one unmarried minor son and also the widow with no recurring income except the family pension, the family can be easily said to be indigent and, therefore, the applicant is entitled for getting appointment on compassionate grounds in the vacancies arising after 2009.

5. At this stage, learned counsel appearing for the applicant submitted at the bar that the widow of the deceased Govt. servant herself is now willing to take appointment on compassionate grounds.

6. On the other hand, learned counsel for the respondents submitted that the applicant was informed vide respondents' letter dated 30.08.2010 (Annexure A/2) that his case for appointment on compassionate grounds has been rejected on

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the ground of the stable financial condition of the applicant in comparison to the cases approved against the similar vacancies.

7. Learned counsel for the respondents further submitted that the object of scheme is to grant appointment on compassionate grounds to a dependent family member of the deceased employee dying in harness, thereby leaving his family in penury and without any means of livelihood, to relieve the family of an employee concerned from financial destitution and to help it to get over the emergency. It does not intend to ensure that in each and every case the member of the family of deceased employee will be appointment on compassionate grounds.

8. He also submitted that the Circle Relaxation Committee, while considering a request for appointment on compassionate grounds, makes a balanced and objective assessment of the financial condition of the family by taking into account its assets and liabilities including the terminal benefits received under the various welfare scheme and all other factors such as the presence of an earning member, size of family, age of children and essential needs of the family etc. Hence, based on balanced and objective assessment of the financial condition of the family, the Circle Relaxation Committee did not recommend the case of the applicant for appointment on compassionate grounds. The committee has not found the family of the deceased Govt. employee as most indigent in comparison to other cases approved by the committee for compassionate appointment. His representation was also considered and rejected by the

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competent authority, therefore, the Original Application has no merit and it should be dismissed with costs.

9. Heard the rival submissions made on behalf of the respective parties and perused the relevant documents available on record. From perusal of the letter dated 30.08.2010 (Annexure A/2) issued by the respondents, it is clear that the financial condition of the applicant was not found to be most indigent in comparison to the cases approved against the four vacancies of Group 'D' available for appointment on compassionate grounds for the year 2009 and, therefore, the committee did not recommend his case for appointment on compassionate grounds for want of more vacancies for the purpose. This clearly shows that had there been more vacancies in the year 2009, the case of the applicant would have also been considered. The case of the applicant has not been rejected by the respondents because they did not find financial condition of the applicant's family as indigent, therefore looking to the fact that the deceased employee has left the widow, two unmarried minor daughters and one unmarried minor son and also looking to the fact that the committee has not rejected the claim of the applicant on the ground that the family is not indigent, the respondents are directed to reconsider the case of the widow of the deceased in future vacancies according to the provision of law.

10. In view of the statement of the learned counsel for the applicant that now the widow of the applicant herself is

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interested in getting the compassionate appointment, the widow may file a fresh application for appointment on compassionate grounds before the respondents within a period of one month from today and the respondents are directed to consider and decide the same after placing it before the Circle Relaxation Committee, taking into consideration the financial hardship of the widow and also the liabilities (two minor unmarried daughters and one minor unmarried son) vis-à-vis other similarly situated candidates for the vacancies arising after 2009 meant for appointment on compassionate grounds, and pass a reasoned and speaking order according to the provision of law within a period of four months from the date of receipt of such application from the widow of the deceased Govt. employee, as stipulated above.

11. If any prejudicial order against the interest of the applicant (widow) is passed by the respondents, the applicant (widow) will be at liberty to challenge the same by way of filing the substantive Original Application in accordance with the provision of law.

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

*Anil Kumar*  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER