

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 214/2013

DATE OF ORDER: 20th December, 2013

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Vishnu Kumar S/o late Shri Ramesh Chand, aged 26 years, R/o Village Post Gamri, Tehsil and District Bharatpur (Raj.).

...Applicant

Mr. Vinod Goyal, counsel for applicant.

VERSUS

1. Union of India through Chief Post Master General, Rajasthan Circle, Jaipur – 302007.
2. The Superintendent of Post Offices, Bharatpur Division, Bharatpur.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER

The applicant has filed this Original Application being aggrieved by the decision of the respondents not to give appointment to the applicant on compassionate grounds communicated to the applicant vide letter dated 01.05.2012 (Annexure A/2) and letter dated 20/21.09.2012 (Annexure A/1).

2. Brief facts of the case, as stated by the learned counsel for the applicant, are that the father of the applicant died on 29th July, 2011 while in service holding the post of GDSBPM, leaving behind him 04 sons, 02 daughters and widow. The mother of the applicant submitted an application for seeking appointment

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on compassionate grounds for her younger son i.e. the applicant. The application of the applicant was rejected without making proper assessment of the financial condition of the family of the applicant vide letter dated 01.05.2012 (Annexure A/2).

3. He further submitted that the applicant being aggrieved by the decision of the respondents dated 01.05.2012 (Annexure A/2) submitted a representation on 13.08.2012 (Annexure A/6) for re-consideration of his case for appointment on compassionate grounds, which was also rejected by the respondents vide their letter dated 20/21.09.2012 (Annexure A/1).

4. Learned counsel for the applicant argued that three other brothers of the applicant are living separately. The family of the applicant is living in miserable financial condition as the huge money was spent upon the treatment of the father of the applicant, who was a cancer patient.

5. He also submitted that the Circle Relaxation Committee (CRC) has not recommended the case of the applicant as it was not found comparatively hard and deserving in view of the guidelines dated 14.12.2010 and 09.03.2012. He further argued that the Circle Relaxation Committee has not considered and appreciated the overall family conditions but turned down the request of the applicant on hypothetical grounds. The father of the applicant had 09 Bighas agriculture land and the income from the agriculture land and the land itself is to be divided into

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07 parts, as such, the applicant has only 01 Bigha and 06 Biswas in his name, which is not sufficient to maintain his family. The monthly income shown by the CRC is not regular one and it depends upon the good rain. Even otherwise, the monthly income of Rs. 3333/- per month is not sufficient one. The case of the applicant has not correctly been assessed by the CRC. The case of the applicant was very hard and he deserves to be given appointment on compassionate grounds.

6. On the other hand, learned counsel for the respondents submitted that the case of the applicant was duly considered by the Circle Relaxation Committee. As per the guidelines, all the cases for appointment on compassionate grounds are to be assessed on 100 Points Scale of various attributes fixed by the competent authority. The Circle Relaxation Committee considered the case of the applicant also and he secured 33 Points only on a Scale of 100 Points. To be eligible for appointment on compassionate grounds, the applicant should have scored 50 merit points or above. Since the applicant did not secure the minimum marks to qualify him as hard and deserving candidate, therefore, he was not recommended by the CRC for appointment on compassionate grounds. He further submitted that while examining the case of the applicant, CRC made a balanced and objective assessment of the financial condition of the family taking into account its assets and liabilities including the discharge benefits received and all other facts like earning, size of family, age of children, marriage and education of minor children and essential needs of the family

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etc. CRC observed that the ex-official expired on 29.07.2011 leaving behind widow, four sons and two daughters. Both daughters and two sons are married. The family owns a house to live in and agricultural land. Family has been paid discharge benefits of Rs. 1,08,000/-. Family has income of Rs. 3333/- per month. Family has no liabilities like education and marriage of daughters.

7. Learned counsel for the respondents further submitted that the case of the applicant was not recommended for appointment on compassionate grounds as it was not found comparatively hard and deserving in view of the other cases pending consideration before the respondents.

8. Learned counsel for the respondents argued that there were 39 applications for consideration against 14 vacancies earmarked for appointment on compassionate grounds. All the 14 candidates, who have been offered appointment on compassionate grounds have more than 50 merit Points and they were, therefore, more deserving than the applicant, who could secure only 33 merit Points on Scale of 100 merit Points. Therefore, the contention of the learned counsel for the applicant that CRC has not made the correct assessment of the financial condition of the applicant is not based on facts.

9. The applicant has also filed rejoinder to the reply reiterating the points raised in the Original Application.

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10. Heard learned counsel for the parties, perused the documents available on record and the case law referred to by the learned counsel for the respondents.

11. It is not disputed between the parties that the applicant applied for appointment on compassionate grounds and that his case was considered by the CRC which met on 21.04.2012. From the perusal of the letter dated 01.05.2012 (Annexure A/2), it is clear that the CRC made a balanced and objective assessment of the financial condition of the family of the applicant. While making this assessment, the CRC took into account the assets and liability including the discharge benefits received and all other factors like earning, size of family, age of children, marriage and education of minor children and essential needs of the family etc. and after taking into all the considerations, the applicant was given 33 merit Points on a Scale of 100 merit Points.

12. Learned counsel for the applicant could not prove that the applicant was more deserving than those 14 candidates, who have been offered appointment on compassionate grounds. It is obvious that when there are more candidates than the vacancies available then all the candidates who applied for appointment on compassionate grounds cannot be given appointment. The respondents have to prepare a comparative merit list. In this case, the respondents have made a comparative merit list and more deserving candidates were given appointment on compassionate grounds.

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13. The Hon'ble Apex Court has held that the appointment on compassionate grounds cannot be claimed as a matter of right against the guidelines prescribed by the Government on the subject. The applicant had a right for consideration and he was duly considered but not found more deserving than others who were given appointment on compassionate grounds. Applicant secured only 33 merit points on a scale of 100 merit points as against the required minimum 50 merit points. All the other 14 candidates who have been given appointment on compassionate ground have secured more than 50 merit points. Therefore, I do not find any infirmity in the orders passed by the respondents for rejecting the claim of the applicant for appointment on compassionate grounds communicated vide letter dated 01.05.2012 (Annexure A/2) and letter dated 20/21.09.2012 (Annexure A/1).

14. Consequently, the Original Application being devoid of merit is dismissed with no order as to costs.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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