

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

7

ORDER-SHEET

ORDERS OF THE TRIBUNAL

06/01/2014

O.A. 313/2013

Present : None for the applicant.

Mr. S.S. Mahla counsel for the respondents.

Written statement in this case has been filed. Applicant has failed to file rejoinder despite sufficient opportunities having been granted. It is presumed that he is not interested in filing the same. Pleadings are thus deemed to be complete let the matter be placed before the Hon'ble Bench for admission/hearing on 06/02/2014.

  
Joint Registrar

Vv

06/02/2014

O.A No. 313/2013

None present for applicant.  
Mr. M. K. Meena, Party Counsel for  
Mr. S. S. Mahla, Counsel for respondents.

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

Anil Kumar

[Anil Kumar]  
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR.

**ORIGINAL APPLICATION NO. 313/2013**

Jaipur, the 06<sup>th</sup> day of February, 2014

**CORAM :**

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

Shiv Prakash Rebari son of Shri Jagdish Prasad Rebari, aged about 26 years, resident of Village Post Kakalwad Via Tehsil Tadaraisin, District Tonk, Rajasthan.

... Applicant

(By Advocate: None)

Versus

1. Union of India through Chief Post Master General, Rajasthan Circle, Jaipur (Rajasthan).
2. Superintendent of Post Offices, Tonk Division, Tonk.

... Respondents

(By Advocate: Mr. M.K. Meena proxy to Mr. S.S. Mahla)

**ORDER (ORAL)**

Even in the second round, none was present for the applicant. Neither the applicant nor his counsel were present on 28.02.2013, 07.08.2013, 09.09.2013, 25.10.2013, 20.11.2013, and on 06.01.2014. Thus it appears that the applicant is not interested in prosecuting this OA. Therefore, the present OA is dismissed for non prosecution on the part of the applicant.

2. However, even on merit also, the OA is liable to be dismissed.

3. From the pleadings, it is evident that the father of the applicant expired on 12.02.2012 while in service. That the

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applicant has applied for appointment on compassionate grounds but his case for appointment on compassionate grounds was rejected by the respondents vide their letter dated 06.12.2012 (Annexure A/1). Being aggrieved by this decision of the respondents, the applicant has filed the present OA.

4. It has been stated in the pleadings that the father of the applicant left behind him five children (three sons and two daughters) and his widow. All the three sons including the applicant are unemployed. On account of death of the father, the entire family is suffering from great hardship.

5. It has been stated in the OA that the respondents ought to work in the welfare of the general public and the basic idea for compassionate appointment is to provide welfare to the smitten wrecked family of the deceased employee.

6. That the respondents have given appointment on compassionate grounds to some similarly situated persons. It has been stated that the contention of the respondents that the applicant is well off with his family assets and not facing any hardship is unjustified. All the assets are shared by other members of the family. Therefore, the respondents be directed to consider the case of the applicant for giving him appointment on compassionate grounds.

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7. On the other hand, the respondents have filed their reply. In their reply, they have stated that the case of the applicant for appointment on compassionate grounds was considered by the Circle Relaxation Committee which met on 20/21.11.2012. The Committee observed that the deceased GDSBPM has left his widow, three married sons and two married daughters. All the sons of the deceased employee are major and they can easily assist the family to meet the liabilities. In addition to above, the deceased employee left 5.71 hectare agricultural land and the family is earning Rs.50,000 (Rupees fifty thousand only) per annum from the agricultural land. A copy of the income certificate dated 01.08.2012 and copy of the Jamabandi have been enclosed at Annexure R/4 and R/5 respectively. The family has also got benefits to the tune of Rs.4,00,756/- as Ex-gratia, EDAGIS-92 and Postal Life Insurance payment. The deceased employee has left no liabilities of education of minor children and marriage of daughter. The family is also having own house to live in. The applicant is major and is also doing some work.

8. The respondents have further stated in their reply that in view of the above facts, the family of the deceased employee was not found indigent by the Committee and the case of the applicant was not recommended as the applicant secured only 28 points against the prescribed 50 points. Thus the case of the applicant was not found deserving in view of the latest guidelines on the subject issued by the Postal Directorates dated 14.12.2010 (Annexure R/2) and 09.03.2012 (Annexure R/3).

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9. The respondents have stated that the scheme for compassionate appointment is not intended to extend any guarantee in each and every case that the member of the family of the deceased employees/GDS will get appointment on compassionate grounds. The benefits of compassionate appointment can be extended to the family of the deceased employees only in case where he leaves his family in financial harness and indigent condition without any means of livelihood. In this particular case, the Circle Relaxation Committee did not find the case of the applicant as one of indigent condition and, therefore, rejected it. Therefore, the OA filed by the applicant has no merit and the same deserves to be dismissed.

10. Perused the documents on record. From the perusal of the pleadings of the parties, it is clear that the case of the applicant for appointment on compassionate grounds was duly considered by the respondents. I have carefully perused the letter dated 06.12.2012 (Annexure A/1) vide which the claim of the applicant for appointment on compassionate grounds has been rejected. I find that it is a speaking and reasoned order. The Circle Relaxation Committee considered all the case in pursuance of the Directorate's guidelines dated 14.12.2010 and 09.03.2012 (Annexure R/2 & R/3 respectively). It adopted yardstick based on 100 points scale on various attributes fixed by the competent authority to make comparative, balanced and objective

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assessment of financial condition of each case and recommended the hard and deserving cases.

11. The Circle Relaxation Committee made a balanced and objective assessment of the financial condition of the family taking into accounts its assets and liabilities 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. The Circle Relaxation Committee observed that the ex-official expired on 12.02.2012 leaving behind widow, three sons and two daughters. All the three sons and two daughters are major and married. The family has been paid discharge benefits of Rs.1,18,000/-. The family owns house and agricultural land. The family has income of Rs.4167/- per month. The family has no liabilities like marriage of daughter and education of children.

12. The Circle Relaxation Committee did not recommend the case of the applicant as the applicant had secured only 28 points when assessed on scale 100 points. The prescribed limit is minimum 50 points to be eligible for appointment on compassionate grounds. Since the applicant secured only 28 points, his case was not found as hard and deserving, therefore, the respondents have not given appointment on compassionate grounds to the applicant.

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13. Moreover, the Hon'ble Supreme Court in catena of cases has held that compassionate appointment cannot be claimed as a matter of right. In the case of **State Bank of India & Another vs. Raj Kumar**, 2011 (1) SCC (L&S) 150, the Hon'ble Supreme Court has held that appointment on compassionate grounds is not a source of recruitment. A compassionate appointment on an application by a dependant family member can be considered subject to applicant fulfilling the prescribed eligibility, requirements and subject to availability to a vacancy for making the appointment. There can be no immediate or automatic appointment merely on an application. Several circumstances having a bearing on eligibility and financial condition up to the date of consideration may have to be taken into account.

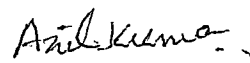
14. In the present case, the ratio decided by the Hon'ble Supreme Court is squarely applicable. The case of the applicant was considered by the respondents and after considering on various parameters, the Circle Relaxation Committee came to the conclusion that the family of the applicant is not of indigent condition. The applicant secured only 28 points on a scale of 100 points. To be eligible for appointment on compassionate grounds, the minimum 50 points have been prescribed. Thus, the applicant did not fulfill the eligibility criteria as laid down under Directorate's guidelines dated 14.12.2010 and 09.03.2012 (Annexure R/2 & R/3 respectively).

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15. Thus it is clear from the above discussion that the case of the applicant has been duly considered by the respondents and I do not find any infirmity/irrationality/illegality in the decision taken by the respondents vide their letter dated 06.12.2012 (Annexure A/1).

16. Therefore, on the basis of above discussion, I am of the view that the present OA has no merit.

17. Consequently, the OA being devoid of merit is dismissed with no order as to costs.

  
(Anil Kumar)  
Member (A)

AHQ