

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00141/2014

Date of Decision : 10.03.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER

Sh. Harish Chand, S/o late Sh. Ram Kishan, aged 29 years, R/o
 Kheranwali (Lehi), District Panchkula, Tehsil Kalka, Haryana.

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Applicant

Versus

1. Union of India, through the Secretary, Government of India, Ministry of Communications and Information Technology, Sanchar Bhawan, New Delhi.
2. Chief Postmaster General, Haryana Circle, Ambala.
3. Senior Superintendent, Post Office, Ambala Division, Ambala.

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Respondents

Present: Mr. Rohit Seth, counsel for the applicant
 Mr. Ram Lal Gupta, counsel for the respondents

O R D E R (Oral)
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking quashing of orders dated 25.10.2013 (Annexure A-1) and 13.07.2005 holding that the family consisting of one school going daughter and two school going sons apart from the widow received total terminal benefits of Rs.1,54,578 and were sanctioned family pension @ Rs.1755 per month apart from element of DA

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and since they do not fall under poverty line, the case of the applicant cannot be considered for grant of compassionate appointment against the sole vacancy available at that point of time.

2. It has been stated in the OA that the father of the applicant late Sh. Ram Kishan, while working as Group 'D' Peon in O/o SSP, RMS (Office), Ambala, died due to illness on 30.11.2003 leaving behind mother of applicant, applicant, his sister who was 13 years old and a brother who was 15 years of age who were studying when the father of applicant died. There was no source of income except the salary received by the deceased employee. The family was sanctioned terminal benefits of only Rs.1,54,578 besides a meager amount of Rs.1,755 plus DA as family pension which is not sufficient for the family to make both ends meet. The amount received as terminal benefits stands exhausted in the studies and marriage of the sister, rather the family has borrowed some amount from their relatives during the marriage and applicant and his younger brother are out of employment causing great financial hardship to the family who does not own any property.

3. On 30.03.2004 (Annexure A-4) the applicant applied for grant of compassionate appointment to SSPOs, Ambala Division, Ambala as he is 10th pass. The application was forwarded vide letter dated 20.03.2004 for consideration. The applicant received order dated 21.07.2013

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(Annexure A-2) issued by the respondents in reply to his representation dated 21.07.2013 to the effect that his case for grant of compassionate appointment was rejected vide letter no.R&E/24-10/2005 dated 15.04.2005 which in fact was never delivered to the applicant. Rather in the subsequent order dated 25.10.2013 the date of rejection order is different and the same was sent as an enclosure too.

4. In the grounds for relief it has, inter-alia, been stated as follows:-

- i) The family is in receipt of Rs.1.755 plus DA / DP as family pension. This amount is not enough to pull on the family. In subsequent years the cases of death of same years have been approved and assessed with different criteria and it transpires that the same are of less indigent persons because of which reason the respondents are not disclosing their complete information to applicant and as such there is apparent hostile discrimination with the applicant.
- ii) In the case of applicant, the family received lesser amount as pensionary benefits, dependents were more than in approved cases and even family pension was less, yet applicant's case was not considered / approved in subsequent years which is illegal. The respondents cannot derive benefit of the delay caused in filing the present application, although the same is within time from the date of intimation of the rejection order, as it was their bounden duty to convey the rejection order with reasons and non conveying at the first instance itself has deprived the applicant to avail the legal recourse immediately.
- iii) Under similar circumstances case of one Gurnam Kaur i.e OA No.1126/PB/2012 has been allowed by this Tribunal vide order dated 09.05.2013 holding that it is incumbent upon the respondents to consider the case of the applicant year wise which affirms the fact that the cases for consideration by

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Committee are to be carried forward to future years for reconsideration against future vacancies which occur from time to time. In this case too no consideration has taken place year wise and as such impugned order stands vitiated.

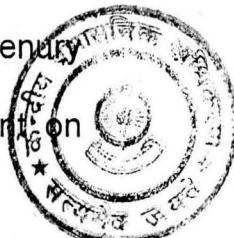
5. In the written statement filed on behalf of the respondents, the facts of the matter have not been disputed. It has been stated that the case of the applicant was considered by Circle Relaxation Committee in its meeting held on 15.04.2005. The case of the applicant was examined on merits, keeping in view the instructions issued from time to time in respect of compassionate appointments. There was only one vacancy of Group 'D' for which there were 34 cases for consideration. Smt. Maya Devi wife of late Sh. Ram Kishan i.e. mother of the applicant was duly informed vide letter dated 13.07.2005 (Annexure A-1) that his application had been rejected.

6. The applicant moved an application dated 21.07.2013 (Annexure R-2) which was received in the office of respondent no.3 on 23.07.2013 seeking appointment on compassionate grounds. The applicant was replied vide letter dated 07.08.2013 (Annexure R-3) that his case for appointment on compassionate grounds was rejected vide letter no.R&E/24-10/2005 dated 15.04.2005 (Annexure A-1). The applicant again moved an application dated 18.09.2013 (Annexure R-4) seeking appointment on compassionate grounds. The applicant was duly replied vide letter dated 25.10.2013 (Annexure R-5) and a copy of letter dated

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13.07.2005 (Annexure A-1) was supplied to the applicant. The applicant has now filed the instant OA more than nine years after the passing of final order and the same is time barred.

7. Arguments advanced by the learned counsel for the parties were heard. Learned counsel for the applicant reiterated the grounds taken in the OA and stated that he had received information through RTI that showed that while names of other persons were carried forward and appointments made when vacancies were available, similar consideration was denied to the applicant. Learned counsel stated that the applicant who was around 28 years of age was working off and on as a labourer on daily wages. The sister of the applicant had been married while his younger brother was still studying. Hence, the family was living in penury and it was justified that the case of the applicant for appointment on compassionate grounds should be reconsidered.



8. Learned counsel for the respondents stated that the claim of the applicant for appointment on compassionate grounds had been considered as per the policy but on account of lack of adequate vacancies the same has been rejected.

9. We have carefully considered the matter. It is seen that as per order dated 03.12.2014, the respondents were directed to produce the

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relevant material regarding consideration of the case of the applicant by the CRC. However, no record has been produced by the respondents. It is evident that the case of the applicant for appointment on compassionate grounds was considered only once and the same was rejected taking the view that his claim was not deserving enough. Another objection has been taken that the OA has been filed after the passage of nine years from the date of the earlier order rejecting the claim of the applicant. Since no material has been placed on record to show that the claim of the applicant was considered by the CRC as per the Scheme, we have no option but to remit the matter to the respondent Department with the direction that the same may be considered afresh in the light of the existing policy. Such consideration may be effected within a period of three months from the date of receipt of a certified copy of this order being served upon the respondents. No costs.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh
Dated: 10.03.2015

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Certified True Copy/कानूनी सत्य प्रतिलिपि
Rajiv Kumar
अनुभाव अधिकारी / अधिकारी (Judi.)
16/315
Central Administrative Tribunal
पंजाब एवं हरियाणा संघरण
Chandigarh

True Copy
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Advocate