



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No. 060/00331/2014

Pronounced on : 12.8.2015.
Reserved on : 10.08.2015

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)**

Harvinder Singh S/o Late Arjan Singh, R/o Village Fatehgarh Chatoli, P.O.
Kuruli, Tehsil Morinda, District Ropar.

.....Applicant

BY ADVOCATE: SH. MANU K. BHANDARI

VERSUS

1. The Union of India through Secretary to Government of India, Department of Post and Telegraph, Shastri Bhawan, New Delhi.
2. The Chief Postmaster General, Punjab Circle, Sandesh Bhawan, Sector 17-E, Chandigarh.
3. Sr. Superintendent of Post Offices, Department of Posts, India, Sector 17, Chandigarh.

.....Respondents

BY ADVOCATE: SH. R.L. GUPTA

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of order dated

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10.01.2014 (Annexure A-8) by which the claim of the applicant for appointment on compassionate grounds has been rejected.

2. Averment has been made in the OA that the father of the applicant was working as a Postal Assistant in the office of respondent No. 3. He expired on 29.06.2010. The applicant then applied for appointment on compassionate grounds through his mother on 16.8.2010. There was much delay in deciding the matter and it was only through order dated 10.01.2014 (Annexure A-8) that the rejection order was conveyed to the applicant.

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

- (i) Because the impugned order is clearly a non-speaking order and does not assign any reason whatsoever for rejecting the claim of the applicant. The order does not meet the requirement of a speaking order and therefore is liable to be set aside on this short ground.
- (ii) Because a perusal of the impugned order would reveal that even though it inter-alia talks of consideration of the claim of the applicant vis-à-vis the other claimants, however, on what points the claim of the applicant was below power from those, who have been appointed, have been stated. The impugned order is thus clearly illegal and liable to be set aside on this short ground.
- (iii) Because the impugned order further fails to take into consideration the financial condition of the applicant and his mother and also ignores the fact that the applicant is a physically disabled person for whom getting a job of any nature would be difficult. The

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respondents were thus duty bound to consider these aspects of the matter.

- (iv) Because the respondents further failed to appreciate that the claim of the applicant fell within the parameters of the policy instructions relating to compassionate appointment and thus there would be no justifiable reason for not considering and appointing the applicant on compassionate basis to the post as per his entitlement under the Policy. "

4. In the written statement filed on behalf of the respondents, it has been stated that the father of the applicant, namely, Sh. Arjan Singh was a Postal Assistant in Chandigarh Division when he died on 29.06.2010 after rendering a total service of 27 years 10 months and 19 days. He left behind married daughters, one married son, one unmarried matriculate son aged 21 years and a widow. As such, the family has been left with only one dependent and a widow. The family is earning Rs. 4000/- per month from other source of income apart from family pension of Rs. 6215/- per month. Family of the deceased is residing in a rented accommodation at House No. 1408/1, Phase 11, Mohali. The family however, owns a residential house at Village Bains, Tehsil Anandpur Sahib, District Ropar measuring 4 Marlas, covered area of 322 sq. ft. and valued worth Rs. 3,28,800/-. As regards disbursement of terminal benefits etc., the family of the deceased employee was paid a sum of Rs. 5,03,332/- and a family pension of Rs. 6215/- per month. The widow of

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the deceased employee preferred representation (received on 16.08.2010) for compassionate appointment of applicant in terms of the Scheme for compassionate appointment floated by the Government of India. The case of the applicant was considered by the Circle Relaxation Committee in its meeting held on 06.01.2014 alongwith 16 other cases against three vacancies of Postman Group 'C', in accordance with Compassionate Appointment Scheme formulated by Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training vide letter No. 14014/6/94-Estt (D) dated 09.10.1998 (Annexure A/1) and guidelines issued thereto from time to time and in accordance with instructions issued by the Department of Posts vide their letter dated 20.01.2010 (Annexure R-3). On consideration of the cases as per guidelines involving examination of laid down aspects i.e. financial position, assets, liabilities, pending marriages, marriage and education etc. of the children and other circumstances of the family, allocation of points to various attributes based on the laid down 100 point-scale (37 points in present case), within the limited number of vacancies, the Circle Relaxation Committee did not find the case of the applicant to be so indigent and deserving immediate assistance for relief from financial destitution as compared to the approved cases. The decision of the

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committee was conveyed to the applicant vide Sr. Supdt. Post Offices, Chandigarh Division letter dated 10.01.2014 (Annexure A-8).

5. In the rejoinder filed on behalf of the applicant, the fresh ground has been taken that the claim of the applicant for appointment on compassionate grounds had been denied without considering the provisions of Section 33 of Persons with Disabilities (Equal Opportunities), Protection of Rights and Full Participation Act, 1995 as per which 3% of the posts are to be reserved for the handicapped persons. When the matter was considered by the CRC, this aspect was ignored by the respondents.

6. Arguments advanced by the learned counsel for the parties were heard when they reiterated the facts and grounds taken in the OA, rejoinder and the written statement respectively.

7. We have carefully considered the pleadings of the parties, the material on record and the arguments advanced by the learned counsel. From the minutes of the CRC meeting that have been appended as Annexures R-1 and R-2 with the written statement, it is clear that the CRC recommended only a few persons for appointment on compassionate grounds keeping in view the fact that there were only three vacancies. The recommended persons had merit points of 64 and

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above while the applicant had only 37 merit points. Under the claim for appointment on compassionate grounds, no weightage is allowed for an applicant being handicapped, nor is any reservation provided in such employment. Persons, who are physically handicapped, have ample opportunity for applying for recruitment to various jobs where reservation has been provided for the handicapped and the applicant can take his chance there. So far as the claim in the present OA is concerned, the same is without merit and is rejected. No costs.

(RAJWANT SANDHU)
MEMBER(A)

(SANJEEV KAUSHIK)
MEMBER(J)

Dated: 12.8.2015.
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