

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PRINCIPAL BENCH**

O.A. No.843/2015  
M.A. No. 801/2015  
M.A. No. 802/2015

New Delhi this the 24<sup>th</sup> day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Smt. Punita Devi, aged about 53 years  
W/o late Shri Nawal Kishore Mehto  
(worked as ex-Sorting Assistant)  
D-1, 4/C, Mansa Ram Park  
Uttam Nagar, New Delhi – 110 059.
2. Shri Amit Kumar, aged about 27 years  
s/o late Shri Nawal Kishore Mehto  
D-1, 4/C, Mansa Ram Park  
Uttam Nagar, New Delhi – 110 059.

.. Applicants

(By Advocate : Shri Sanjeev Singh)

Versus

Union of India

1. Department of Posts  
Office of the Senior Superintendent  
Airmail Sorting Division  
Chankypuri, New Delhi – 110021.
2. Department of Posts  
Office of the Chief Postmaster General  
Delhi Circle, New Delhi – 110001.
3. Ministry of Communications  
& Information Technology  
Govt. of India  
Sanchar Bhawan, New Delhi  
Through its Secretary.

..Respondents

(By Advocate : Shri Sunil Ahuja)

**ORDER (ORAL)**

Heard the learned counsel for both sides.

2. The applicant's husband has died on 12.09.2008 and she had requested the department for appointment of her son, Shri Amit Kumar, on compassionate ground. The department considered her application and stated in their reply that they had six vacancies in the year 2009. The department worked out the system of allocation under six heads with 15% additional grace point for widow. The applicant had secured 55 points based on this criterion and the six candidates selected for compassionate appointment against the vacancies had earned points ranging from 71 to 84. As a result, the applicant's case for compassionate appointment has not been accommodated.

3. The learned counsel for the applicant has placed before us the Scheme for Compassionate Appointment and specifically referred to para 7 sub-para (e) and (f), which read as follows:

"(e) Employment under the scheme is not confined to the Ministry/Department/Office in which deceased/medically retired Government servant had been working. Such an appointment can be given anywhere under the Government of India depending upon availability of a suitable vacancy meant for the purpose of compassionate appointment.

(f) If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the administrative Ministry/Department/Office to take up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list."

4. It is stated that the husband of applicant No.1 belong to Postal Department and, therefore, in view of this provision, the

respondents should have tried to accommodate the applicant No.2, the son of applicant No.1, in vacancies arisen in other ministries/offices etc.

5. It is also stated that the Hon'ble Supreme Court in the judgement of **Abhishek Kumar Vs. State of Haryana & Ors.**, Civil Appeal No.5657/2006, on the question of compassionate appointment has held as follows:

“5. When a Statewide list is prepared, it does not tie in the mouth of a authority incharge, be it a District Magistrate or any other officer, to disobey the order passed by a higher Authority. Furthermore, there might not be any post available at Karnal but there cannot be any doubt or dispute that such a post would be available in some other district within the State of Haryana as otherwise such an appointment could not have been made. The appellant in his written statement has categorically stated that he is ready and willing to join anywhere in the State of Haryana.”

6. In view of the provisions of Scheme for Compassionate Appointment, as quoted above, and judgement of the Hon'ble Supreme Court in **Abhishek Kumar** (supra), the O.A. is disposed of with a direction to the respondents to consider the case of the applicant No.2 after considering similar vacancies in other offices of the Postal Department or other Ministries as provided in Scheme for Compassionate Appointment. Time frame of 90 days is fixed for implementation of this order. No order as to costs.

**(P.K. Basu)**  
Member(A)

/Jyoti/