

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT SITTING : BILASPUR

Original Application No.203/00941/2014

Bilaspur, this Wednesday, the 21st day of February, 2018

Hon'ble Mr. Navin Tandon, Administrative Member
Hon'ble Mr.Ramesh Singh Thakur, Judicial Member

Ku.Geeta Sarthi aged about—years, D/o Late Laxmi Narayan Sarthi, R/o T.V.Tower Road, Ward No.4, Manendragarh, Distt.Korea (C.G.) **- Applicant**

(By Advocate – Shri Amrito Das)

V e r s u s

1. Union of India, Ministry of Indian Postal Department
New Delhi, through its Secretary, Dak Bhawan,
New Delhi-110 001

2. Postmaster General, Indian Postal Department,
G.P.O.Raipur-492001

3. Superintendent of Post Office, Indian Postal
Department, Raigarh Division, Raigarh-496551

4. Assistant Director (staff) Chief Postmaster General
Chhattisgarh Division, Raipur-492001 **-Respondents**

(By Advocate – Shri Vivek Verma)

(Date of reserving the order :19.02.2018)

ORDER

By Navin Tandon, AM,-

The applicant is aggrieved that her case has not been considered for compassionate ground appointment by the respondents. Hence, this Original Application.

2. The brief facts of the case are that father of the applicant was working as Postmaster with the respondent-department and died during service period on 10.08.2010. The applicant applied for appointment on compassionate grounds, but her claim was rejected on 02.01.2014 (Annexure A-3).

3. She has asked for the following reliefs:-

“8.I Call for the entire material record pertaining to the instant case from the respondents for its kind perusal.

8.II. That the Hon’ble Court may kindly be please to set aside the order/letter dated 2/1/14 No.R 5/CRC/Vibhagiya Anu.Niyu/2013 passed by respondent no.4.

8.III. The Hon’ble Court may kindly be please to direct respondents authority to consider and grant the compassionate appointment in favour of the applicant.

8.IV. Grant any other reliefs which this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the case to the applicant.

8.V. The cost of petition may kindly also be awarded in favour of the petitioner”.

4. The applicant has submitted that the father of the applicant had served best part of his life under the respondents with the hope that in case any untoward incident took place with him, the department will take care of his family by giving appointment on compassionate grounds. However, the respondents had adopted such a method that anyhow the application of the applicant or other

likewise candidates is to be rejected by assigning one or another reason.

5. The respondents have submitted that father of the applicant late Shri Laxmi Narayan Sarthi, Ex Postman, Manendragarh SO was working in the department with effect from 25.01.1991 and after completing 19 years 06 months and 15 days service, he died on 10.08.2010. He had left 11 years, 10 months and 20 days service to retire on superannuation on 30.06.2022. The family of the deceased employee consisted of his widow, and one son and one daughter of 22 years and 25 years respectively. The family was being paid Rs.5405/- per month as basic family pension excluding DA, and terminal benefits of Rs.6,11,971/- were paid to the family. The family has their own house to live in. The applicant has monthly income of Rs.2097/- from 2.778 hectare of agricultural land.

5.1 The case of the applicant along with 15 other cases, was placed for consideration before the CRC met on 26.12.2013 on availability of 4 vacancies meant for appointment on compassionate grounds, but the case of the applicant could not find place as the most deserving case, as she could secure less merit point.

5.2 The respondents have averred that on measuring the indigency of the case of the applicant with the allocation of points, her case could secure only 48 merit points whereas last candidate selected for appointment on compassionate ground had secured 53 merit points.

6. The applicant in her rejoinder submitted has asserted that she does not have agricultural land of 2.778 hectare from which monthly income of Rs.2097/- may be earned.

7. The matter was argued for sometime on 08.11.2017 wherein the respondents were directed to produce following documents on the next date of hearing-

- “(i) policy of grant of compassionate appointment.*
- (ii) Criteria for granting of marks.*
- (iii) The breakup of 48 marks allotted to the applicant and the application form submitted by the applicant”.*

7.1 The same have been submitted along with M.A.No.203/00179/2018.

8. Heard the learned counsel of both sides and carefully perused the pleadings of the respective parties and the documents annexed therewith.

9. The respondent-department has prepared a Scheme for Compassionate Appointment-Relative Merit Points and Procedure for Selection, which has been circulated on 20.01.2010 (Annexure D-1). The said scheme provides for awarding of points on various aspects for bringing out the financial position of the family of the deceased employees.

10. The Hon'ble Supreme Court in the matters of **State Bank of India and another Vs. Raj Kumar**, (2011) 1 SCC (L&S) 150: (2010) 11 SCC 661 has reiterated that compassionate appointment is not a source of recruitment but it is an exception to general rule that recruitment to public services should be on basis of merit by open invitation providing all opportunities to all eligible persons to participate in selection process. Relevant paragraph of the said judgment read thus:

“8. It is now well settled that appointment on compassionate grounds is not a source of recruitment. On the other hand it is an exception to the general rule that recruitment to public services should be on the basis of merit, by an open invitation providing equal opportunity to all eligible persons to participate in the selection process. The dependents of employees, who die in harness, do not have any special claim or right to employment, except by way of the concession that may be extended by the employer under the rules or by a separate scheme, to enable the family of the deceased to get over the sudden financial crisis. The claim for compassionate appointment is therefore traceable only to

the scheme framed by the employer for such employment and there is no right whatsoever outside such scheme”.

11. In the instant case the applicant has secured 48 merit points, details as per Annexure D-2. The only point of dispute raised by the applicant is that she does not have a monthly income of Rs.2097/- from agricultural land, as brought out by the respondents.

12. On perusal of the Scheme (Annexure D-1) we find that in Para-4(c) relating to monthly income of earning members and income from property , 5 points are awarded for no income and 4 points are awarded for monthly income of Rs.2500 or less. In the case of the applicant she was awarded 4 points. Even if it is assumed that there is no income from agricultural land as contended by the applicant, the total on this score would increase from four to five, and then the overall total of the applicant would increase from 48 to 49 points. This would still be less than 53 points, which had been obtained by the last candidate selected on compassionate grounds.

13. As per the Hon'ble Supreme Court the compassionate appointment can only be made as per the scheme of the respondent-department and no variations on it are allowed.

14. In the instant case, the respondent-department has a scheme in force and the applicant has been awarded marks as per the said scheme. The points awarded under the scheme to the applicant were lesser than what others had obtained for the vacancies available under the compassionate ground appointment. Hence, there is nothing illegal or irregular in not offering the appointment to the applicant on compassionate grounds.

15. The Original Application is accordingly dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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