

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00709/2016

Bilaspur, this Friday, the 13th day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ashok Kumar Bhardwaj, S/o Late Munshilal Bhardwaj, House
No.221, Indrapuri Nagar, Tifra, Bilaspur District Bilaspur (C.G.)
PIN CODE 495001 **-Applicant**

(By Advocate – **Shri Aditya Tiwari**)

V e r s u s

1. Union of India through its Secretary, Ministry of
Communication & IT, Department of Posts, Dak Bhawan,
Parliament Street, New Delhi 110001.

2. The Chief Post Master Genreal, Chhattisgarh Postal Circle,
Raipur (C.G.) – 492001.

3. The Superintendent, Railway Mail Services, R.P. Division,
Bilaspur (C.G.) 495001 **-Respondents**

(By Advocate –**Shri Vivek Verma**)

(Date of reserving order : 10.07.2018)

O R D E R

By Navin Tandon, AM.-

The applicant is aggrieved by the fact that his case has been
rejected for compassionate ground appointment. Hence, he has
filed this Original Application.

2. The applicant has prayed for the following reliefs:

“8.1 To kindly call for all the records from the respondents related to the proceedings of the case of the applicants compassionate appointment.

8.2 To kindly quash the order/communication vide no. R 5/CRC/Dept. Com.App./2016 dated 20.01.2016 passed by the respondent no.2 (Annexure A-1).

8.3 To kindly direct the respondents to consider and appoint the applicant in a suitable post in the department in accordance with the applicable policy.

8.3 (sic) To kindly grant any other relief which may be deemed fit and just in the facts and circumstances of the case including moulding of the relief.”

8.4 (sic) To kindly award the cost of this application.”

3. The applicant submits that his father was employed with the respondent department from 12.12.1994 and expired on 08.06.2015.

3.1 An application, duly supported by no objection/consent from other family members, was submitted by the applicant for providing him compassionate ground appointment.

3.2 The respondents, vide their communication dated 20.01.2016 (Annexure A-1), have informed the applicant that his case was considered but rejected.

3.3 The applicant has been informed on 03.02.2016 (Annexure A-11) under Right to Information Act that he has received only 33 merit points, whereas, the Department considered only those

candidates having 60 merit points and above. The Special Check List with the application is also provided to the applicant as per Annexure A-11.

4. The respondents have filed their reply and submitted that the CRC met on 30.01.2016 on availability of four vacancies meant for appointment on compassionate ground. But, the case of the applicant could not find place as the more deserving case, as he secured less merit points.

4.1 The deceased employee died on 08.06.2015 after completing 20 years, 05 months and 25 days of service. He had left only 02 years, 09 months and 22 days to retire on superannuation on 31.03.2018. The family of the deceased employee consisted of his widow and two sons aged about 37 and 33 years and both the sons are married. The family was being paid Rs.5580/- per month as basic family pension and terminal benefits of Rs.8,74,648/- was paid to the family. The family has their own house to live in. The applicant has monthly income of Rs.3,000/- per month from wages. Further, there is no minor child in the family of the deceased.

5. We have heard both the parties and perused the pleadings and documents available on record.

6. Learned counsel for the applicant submits that the applicant is a daily wage earner. But, the respondents, while filling up the form, have mentioned his monthly income as Rs.3,000/-, and therefore, only three points have been allotted against column 3(c).

6.1 He further submits that against column No.3 (d), the applicant has been awarded 'zero' points, as his father was having immovable property.

7. On the other hand, learned counsel for the respondents relied upon the judgment of Hon'ble Supreme Court in the case of **Chief Engineer (Naval Works) and another vs. A.P. Asha**, (2015) 15 Supreme Court Cases 310, wherein the Hon'ble Apex Court held that, "In our opinion, the respondent has no right to be appointed on compassionate ground on the death of her husband if there is somebody more needy than the respondent. It is clear from the record that the policy of the appellants has been strictly adhered to in the matter of giving appointment on compassionate ground."

8. The scheme for compassionate appointment issued by the respondent department on 20.01.2010 is available at Annexure A-12. It is seen that the maximum merit points, which could have been given in 3 (c) and 3 (d), are 5 (no income) and 10 (no

property) respectively. Therefore, even assuming that the marks have been wrongly given, the applicant could have secured only $(5+10-3=)$ 12 merit points additionally. Even if these 12 points are added, the total merit points comes to 45, which is below the cut-off marks of 60 merit points for consideration of the case on compassionate ground basis.

9. From the above, it is clear that the case of the applicant for compassionate ground appointment was duly considered by the respondents and was rejected, as there were more deserving candidates than the applicant. Therefore, we do not find any fault with the action of the respondent department.

10. Accordingly, the O.A is dismissed being devoid of merit. No costs.

(Ramesh Singh Thakur)
Judicial Member
am

(Navin Tandon)
Administrative Member