

Reasoned

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00229/2014**

Jabalpur, this Thursday, the 02<sup>nd</sup> day of May, 2019

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Man Singh Baghel,  
S/o Late Kashiram Baghel  
DOB:01.7.1978,  
R/o Rohera Tehsil Devdha,  
District Datia 475682  
(By Advocate –**Shri Vijay Tripathi**)

**-Applicant**

**V e r s u s**

1. Union of India, Through its Secretary,  
Ministry of Communication & IT  
Department of Posts  
Dak Bhawan Sansad Marg,  
New Delhi 110001

2. Chief Post Master General  
Madhya Pradesh Circle  
Hoshangabad Road,  
Bhopal 462012 (M.P.)

3. Assistant Post Master General (Legal)/Bhawan  
O/o Chief Post Master General  
M.P. Circle Hoshangabad Road  
Bhopal 462012 (M.P.)

4. Post Master General  
Indore Region Indore (M.P.) 452001

5. Sr. Superintendent Post Offices  
Gwalior Division, Gwalior (M.P.) 474006  
(By Advocate –**Smt. Kanak Gaharwar**)

**-Respondents**

### **ORDER**

This Original Application has been filed by the applicant against the order dated 11.03.2014 (Annexure A-1) and order dated 15.11.2011 (Annexure A-2) whereby the claim of the applicant for compassionate appointment has been rejected without assigning any reason.

**2. The applicant has sought for the following reliefs:-**

*“8(i) Summon the entire relevant record from the respondents for its kind perusal;*

*8(ii) Set aside the order dated 11.3.2014 (Annexure A/1) and order dated 15.11.2011 (Annexure A/2)*

*8(iii) Set aside the notification dated 30.1.2014 (Annexure A/3);*

*8(iv) Direct the respondents to consider the applicant for appointment as GDSBPM with all consequential benefits arising thereto;*

*8(v) Any other order/orders, direction/directions may also be passed.*

*8(vi) Award cost of the litigation to the applicant.”*

**3. The case of the applicant is that the father of the applicant Late Shri Kashiram Baghel was working as Gramin Dak Sevak Branch Post Master, Ruhera Accounts**

Office, Sevdha. The father of the applicant was murdered by anti social element on 17.09.2010. The deceased left behind a wife, four sons and one daughter. After the death of the applicant's father, the applicant solemnized the marriage of his sister Seema Baghel in the month of November 2013 and for that purpose the applicant has taken loan of Rs.200000/- from Ashok Jewellers to incur expenses of the marriage of his sister. Copy of loan deed dated 15.11.2013 as Annexure A/4.

4. The applicant submitted application to provide him compassionate appointment. The same was rejected by the respondent No.3 vide order dated 15.11.2012 (Annexure A/2) without assigning any reason. The applicant preferred review appeal dated 10.03.2014 (Annexure A/5) against the said order. The said review appeal was also rejected by the respondent No.3 vide order dated 11.03.2014 (Annexure A/1), wherein it has been mentioned that the case of the applicant has been considered by the Circle

Level Relaxation Committee on 18.10.2011 and 11.03.2013 and as per rule, the case of the applicant was not found to give preference. Therefore, his claim for compassionate appointment has been rejected. No reasons have been assigned in the impugned order as to why the claim of the applicant has been rejected by the Circle Level Scrutiny Committee. The respondent-department has notified the same post on which the father of the applicant was working by notification dated 30.01.2014 (Annexure A/3) to fill up the same through direct recruitment.

5. The respondents have filed their reply, wherein it has been submitted that the case of the applicant was considered by the Circle Level Relaxation Committee on 18.10.2011 (Annexure R/2 and R/3) along with other such cases by balanced and objective assessment of the financial condition of the family etc., assets and liabilities and all other relevant factors such as the presence of earning member, size of the family, ages of the children

and the essential needs of the family etc. This is done to assess the degree of indigence among all the applicants considered for compassionate appointment. The case of the applicant was not recommended as the applicant has been awarded only 38 merit points. The case of the applicant was again considered by the CRC meeting held on 11.03.2013 along with other cases keeping in view the changes made in the policy vide DOPT's letter dated 14.12.2010 and subsequent guidelines dated 01.08.2011, 09.03.2012 and 13.04.2012. On objective assessment of the case of the applicant, his case secured only 28 points hence the CRC did not recommend his case. A copy of CRC minutes dated 11.3.2013 and comparative chart allocating points to each case considered including applicant are annexed as Annexure R/4 and R/5.

**6.** It has been submitted by the replying respondents that there is only one dependent member in the family i.e. widow of the deceased. Married Sons/Daughters and

unmarried sons above 25 years of age do not come under the definition of dependent on the deceased family. The terminal benefits Rs.1,23,000/- has been paid. The family is having its own house and also income of Rs.20,000/- p.a. from other sources. The deceased is having 2.31 hectares of agriculture land. There is no liability of maintenance of minor children or married/educational liability of daughter.

7. The case of applicant was considered by CRC on 18.10.2011 and again on 11.03.2013 keeping in view the objective assessment/merit point. The applicant has secured only 38 and 28 points against the minimum norms fixed over and above 50 points in CRC meeting held on 18.10.2011 and 11.03.2013. The replying respondents have denied the fact that at the time of death of deceased employee, his sister Seema Singh was unmarried. It has been submitted that there is a widow of the deceased and 4 married sons above 25 years of age in the family of

deceased, which is evident from the application dated 21.01.2011 of applicant which has been duly signed and submitted by the applicant for compassionate appointment and the same has been witnessed by a permanent Government servant and facts mentioned in application has been verified by a responsible officer. There is nothing about the dependent unmarried daughter of the deceased has been mentioned in the application. The matter was inquired again regarding the marital status of the daughter if any and found that the applicant had failed to produce any evidence in support of his plea that his sister was unmarried at the time of death of his father.

**8.** It has been specifically denied by the respondents that there is provision in policy framed by the Government of India to award merit marks on account of loan taken by the applicant for incurring expenses. It has been further submitted by the replying respondents that the scheme of compassionate appointment is not to provide employment

to everybody but to relieve the family from financial destitution to help it get over emergency.

9. Heard the learned counsel for both the parties and I have also gone through the pleadings and documents attached with the Original Application.

10. From the pleadings it is clear that the applicant had applied for compassionate appointment and his case was rejected by the Circle Level Relaxation Committee in its meeting held on 18.10.2011 and 11.03.2013 as he obtained 38 and 28 points respectively. There is no dispute regarding the criteria for allocating the merit points as per policy. In the instant case, the only point for determination is that whether at the time of death of the father of the applicant, his sister was married or unmarried and dependent on deceased. As per Annexure R/1, the respondent-department has issued the criteria for awarding the merit point vide DOPT letter dated 14.12.2010. It is pertinent to mention that while preferring the application



for compassionate by the applicant, the applicant had given the details of all the dependent members of the deceased Government servant and name of sister of the applicant Seema Singh has not been shown which is clear as per document attached with Annexure R/6 Page 164. As per Annexure R/6 at Page 163 the details of the financial status of the family of the deceased, Assets and other sources of income etc. has been shown. Under the column 'Liabilities/Brief details of the liabilities (i) number of unmarried daughters' it has been written as 'NIL'. This Annexure R/6 has been made on the basis of documents made available to the respondent-department. So it is crystal clear that when the application for compassionate appointment was referred by the applicant, there was no liability regarding the unmarried daughter. This fact has been proved by the respondent-department.

**11.** The argument of the learned counsel for the respondents is that the averment made by the applicant is

after thought and his only purpose is to get the employment. I am of the view that the respondent-department has proved the fact that there was no liability of unmarried daughter in the family of the deceased government servant as is evident from Annexure R/6 coupled with the information given by the applicant which has been signed by himself where the detail has been shown at Page 164 of Annexure R/6 of the reply.

**12.** In view of the above, I do not find any reason to interfere with the action of the respondent-department.

**13.** Resultantly, this Original Application is dismissed.  
No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

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