

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 525/2012

Reserved on: 28.02.2019
Pronounced on: 07.03.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)**

Rakesh Kumar Sharma S/o (Late) Shri Hanuman Sahay Sharma, by caste Brahmin, aged about 22 years, R/o Plot No.A-24, Govind Dev Colony, Behind Choughan Stadium, Jaipur, (Raj).

...Applicant.

(By Advocate: Shri V.K.Mathur)

Versus

1. Union of India through Secretary to the Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Near Chomu Circle, Jaipur-07 (Raj.).
3. The Director Postal Services (H.O) of (C.P.M.G.) Near Choom Circle, Jaipur-07 (Raj.).
4. The Superintendent (R M S), Railway Station Post Offices at Jaipur Railway Station Jaipur-321006 (Raj.).

...Respondents.

(By Advocate: Shri N.C.Goyal)

ORDER

Per: A. Mukhopadhaya, Member (A):

The present Original Application, (OA), arises out of the refusal of compassionate appointment to the applicant vide the respondents' impugned letter/order of 21.06.2011; (Annexure

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A/1). The applicant states that his late father passed away suddenly on 01.05.2009 while serving with the respondent department as Postman. On this, he applied for compassionate appointment with the respondent department on 22.10.2009 and thereafter pressed his case with a legal notice for the same. This application was rejected by the respondents' impugned letter/order of 21.06.2011; (Annexure A/1). The applicant contends that his plea for compassionate appointment was refused on the ground that he had not passed the 10th class, (Secondary), examination and that his family condition was not indigent whereas the true position is that the family was suffering from extreme financial hardship after the death of the bread winner. Aggrieved by this action of the respondents, he has preferred this OA seeking the following relief:-

Relief

An appropriate order, direction be issued to the respondents to consider the candidature of the applicant for compassionate appointment in place of his father post.

Any other order or direction be passed which is deemed fit and proper in the facts and circumstances of the present case.

2. In reply, the respondents contend that the impugned letter/order of 21.06.2011, (Annexure A/1), clearly indicates that the applicant's case was duly considered as per rules and instructions applicable by the Circle Relaxation Committee,

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(CRC), on 04.05.2011 and this was done despite the fact that as per the applicant's educational qualification, he was not eligible for appointment even to the post of Group 'D', (MTS Cadre), as the minimum qualification for the post of Group 'D', (MTS Cadre), prescribed under the recruitment rules, is 10th standard, (Secondary), schooling which the applicant did not possess. However, his case was still considered under "**relaxation of normal recruitment rules**". The respondents go on to state that there were four vacancies available in Group 'D', (MTS Cadre), for recruitment within the prescribed 5% ceiling of the direct recruitment quota of the concerned year and that the case of the applicant was fairly and objectively assessed with reference to a 100 point scale taking into account the family pension, terminal benefits, monthly income of family, value of movable/immovable property, number of dependents, unmarried daughters, number of minor children and left over service of the employee. The respondents point out that this objective assessment of the applicant's case by the CRC has been clearly and transparently demonstrated in the impugned order and the reason for rejection of the applicant's case was that keeping in view the limited number of vacancies, the CRC did not find the family conditions of the applicant indigent as compared to others whose cases were considered favourably.

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3. Learned counsels for the parties were heard and the record available was perused. Opposing counsel for the applicant and the respondents, in their arguments, reiterated the position detailed in the OA and its reply respectively.

4. Learned counsel for the respondents reiterated in his arguments that compassionate appointment cannot be claimed as a matter of right. He drew the Tribunal's attention to the guidelines and instructions relating to compassionate appointment, (placed on record as Annexures R-2, R-3 and R-4), and finally to the chart/statement, (Annexure R/5), showing the detailed analysis of the competing applications for compassionate appointment in terms of the 100 point scale referred to in the reply. Learned counsel for the respondents pointed out that the lowest points awarded to a recommended candidate was 65 whereas the applicant scored only 50 points on the 100 point scale. Respondents' counsel also pointed out that there were other candidates who scored higher than the 50 points scored by the applicant and were still not recommended for compassionate appointment in view of the limited vacancies available.

5. In view of the factual as well as rule position in the case being as detailed above, there appears to be no substantive infirmity in the findings and recommendations of the respondents' CRC and therefore we find no valid reason to intervene in the

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decision taken in the matter and communicated to the applicant vide impugned letter/order of 21.06.2011, (Annexure A/1).

6. In the result, we find no merit or force in this OA which is accordingly dismissed.

7. There will be no order on costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/