

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00732/17**

Date of Order: 22.04.2019

**C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Uma Nath Bhadani, S/o Late Bhola Goswami, At & PO- Belaganj, PS- Belaganj, District- Gaya.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the DG Cum Secretary, Department of Posts, Dak Bhawan, New Delhi- 110001.
2. The Chief Postmaster General, Bihar Circle, Patna- 800001
3. The Asstt. Director (Staff & Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna- 800001.
4. The Sr. Superintendent of Post Offices, Gaya Division, Gaya- 823001.

.... Respondents.

By Advocate: - Mr. H.P. Singh, Sr. SC

**O R D E R
[ORAL]**

Dinesh Sharma, A.M:- The case of the applicant is that after the death of the father of the applicant (Late Shri Bhola Goswami) while holding the post of MTS at Head Post Office, Gaya, the mother of the applicant submitted an application for compassionate appointment in favour of the applicant. Vide order dated 16.01.2017 the applicant was informed that he was not approved for compassionate appointment as he scored only 54 points as against the last cut off points 64 for 16 vacancies of 2015-16. The applicant has contested that he has been given 54 points by wrong

calculation of points. He has also alleged that the applicant was kept out from re-consideration in the Circle Relaxation Committee (CRC) held for the year 2016-17 erroneously. The cut off point for the CRC 2016-17 has come down to 55 whereas, if correct points were awarded to the applicant, he would be awarded 65 points. Since in the column of monthly income the applicant has been given 1 point instead of 10 points, the applicant has requested for quashing of the order dated 16.01.2017 and re-consideration of his prayer for appointment on compassionate ground.

2. The respondents have filed written statement in which they denied the claim of the applicant. They have stated that the father of the applicant died on 26.09.2008. The family of the deceased has own house and a piece of small land and an income of Rs. 55,000/- per annum from other sources of income to the family. At the time of his death, the deceased employee left behind five married sons and one unmarried son. Besides, the DCRG and CGEGIS payments, the family has been paid Rs. 4,335/- + Dearness Relief as family pension purpose. The request of the widow of the deceased employee was received by the Department on 16.08.2015 though the employee died in 2008 and this case was placed before the CRC in the meeting held in the year 2017. As per the rules and instructions of the Department his case could not be recommended since he earned only 54 points. The respondents denied any error in giving lesser marks on account of monthly income and income from property. The fact that the Circle Officer of the Govt. of Bihar has given certificate (Annexure R/2) showing the income from other sources as Rs. 55,000/- the applicant could be

awarded only 1 point on this score. The respondents have also alleged that in this family there are 6 sons and all are major and can earn bread for their family. They have quoted the decision of the Hon'ble High Court of Patna in **Vivekanand Kumar Vs. Union of India & Ors.** (CWJC No 6561 of 2017) in which it is stated that there has to be some close proximity between the death and the object for which compassionate appointment as a concept has been evolved. The object of compassionate appointment is not to provide employment to otherwise unemployed or unemployable children but to provide immediate relief to the family.

3. I have gone through the pleadings and heard the learned counsels of both the parties. Learned counsel for the applicant cited the decision of this Tribunal in OA/050/00755/2017 where this Tribunal has directed the respondents (in that case) to dispose of the matter by putting it before the next CRC in terms of merit.

4. After going through the pleadings and hearing the parties, it is clear that the employee died in the year 2008 and even the first application for compassionate appointment was made much later in the year 2015. The fact that applicant has not even mentioned the date of death or the date on which her mother applied, shows that he has a weak case on that count. His contesting the calculation of points is also not supported by any evidence since the income certificate at Annexure A/3 very clearly shows his annual income as Rs. 55,000/-. Thus, there is apparently no ground to quash the order dated 16.01.2017 by which his case not been recommended.

5. However, since the new rules do not provide any time limit, or a ceiling on the number of times a case can be considered, this OA is disposed of with a direction to the applicant to apply again before the concerned authority if he/she so desires and is still living under indigent circumstances. The respondent authorities will consider his case under the rules, against the vacancies available for such compassionate appointment in the year of application if, following their weightage point system, there are no other persons more eligible than the applicant. The OA is disposed of accordingly. No order as to costs.

[Dinesh Sharma]
Administrative Member

Srk.