

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00382/2015

Jabalpur, this Wednesday, the 14th day of August, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER

Vinay Sahu son of late Shri Manohar Lal Sahu, aged about 22 years, Unemployed, Ro 155, Gandhi Chowk Ward, Bada Bazar Sagar Distt: Sagar M.P

-Applicant

(By Advocate – Shri Ashish Vishwakarma)

V e r s u s

1. Union of India through the Secretary Ministry of Postal Services, New Delhi (Pin – 110001).

2. The Chief Post Master General M.P. Circle Bhopal (Pin 462012).

3. The Assistant Post Master General (Staff) M.P. Circle Bhopal – 12 (Pin 462012)

-Respondents

(By Advocate – Shri D.S. Baghel)

O R D E R (O R A L)

The applicant is aggrieved that his claim for compassionate appointment is not being considered by the respondent department.

2. The applicant has made the following submissions in this

O.A:

2.1 Father of the applicant expired during the service tenure on 03.12.2003 while holding the post of Sub Post Master.

2.2 At the relevant time of death of his father, the applicant was minor. Now, he has completed the education as B.E and DCA.

2.3 Earlier, the claim of applicant's mother for compassionate appointment was turned down on 04.05.2005 (Annexure A-2).

2.4 The applicant applied for compassionate ground appointment on 31.01.2015. The same has been rejected by the respondent department vide letter dated 18.02.2015 (Annexure A-1).

3. The applicant has, therefore, sought for the following reliefs:

8) Relief, prayed for :-

In view of fact and circumstances of this case the applicant prays for following reliefs:-

8.i) To call for the relevant record pertaining to the subject matter for kind perusal of this Hon'ble Tribunal.

8.ii) The Hon'ble Tribunal may be pleased to quash the order impugned Ann.A/1 by issuing an appropriate writ order and direction commanding the respondents to appoint the applicant on any suitable post as per his qualification on compassionate ground in place of his father.

8.iii) Any other relief which this Hon'ble Tribunal deems fit and proper may also be passed together cost of application."

4. The respondents have made the following submissions in their reply:

4.1. As per guide lines contained in enclosed annexure "Norms to be adopted by the CRC with effect from 1.1.2001" (Annexure R-1), the CRC considers the cases of compassionate appointment by a balanced and objective assessment of the financial condition of the family taking into consideration its 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. Merits of the cases are decided by five points criterion in force at that time i.e. expenditure towards post death ceremonies, maintenance and marriage of daughters and maintenance of son up to 25 years of age etc.

4.2 The wife of the deceased official, i.e. mother of the applicant had applied for the compassionate appointment, which was considered by the respondent department on

03.02.2005. The minutes of the CRC are at Annexure R-2, wherein she was not considered indigent and hence claim was rejected. This was communicated to the mother of the applicant on 04.05.2005 (Annexure A-2). Now, the mother of the applicant has applied for compassionate ground appointment for her son i.e. the applicant. The case of the mother has already been considered and rejected in 2005 and now there is no provision to consider the request of the son as per rules.

5. Heard learned counsel for the parties and perused the pleadings and documents available on record.

6. It is seen that the case of the compassionate appointment for mother of the applicant was considered in the minutes of the CRC held on 03.02.2005 (Annexure R-2). The same is not under challenge.

7. Now, after 10 years of the same, the applicant is seeking appointment on compassionate ground.

8. Learned counsel for the respondents averred that once the compassionate appointment has been considered for the mother of the applicant and has been rejected, there is no claim of the

applicant to apply after more than 10 years from the previous rejection.

9. Compassionate appointment is not a source of recruitment. It is only a welfare measure of the Government to help the family to tide over the financial problems due to death of the employee. Since the number of posts for compassionate appointment is restricted to 5% of direct recruitment, all the cases for compassionate appointment are to be considered within those vacancies.

10. In the present case, the case of the mother of the applicant has already been considered and rejected as the respondents did not find her case to be indigent. This decision of the respondents has been accepted by the family without any objection.

11. I do not find any merit in the case of applicant seeking compassionate appointment after 12 years of death of his father. Accordingly, the O.A is dismissed. No costs.

(Navin Tandon)
Administrative Member

am/-