

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/140/2017

Order reserved on 04.07.2019

DATE OF ORDER: 17.07.2019

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Archana Meena daughter of Late Shri Gajanand Meena, aged about 27 years, resident of Plot No. 14, Nahargarh Kile-K-Niche, Near Hanuman Ji Temple, Meena Para, Jaipur. Aspirant for appointment on compassionate grounds on the suitable post in Department of Post, Jaipur City Postal Division, Jaipur.

....Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Post, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi – 110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. Senior Superintendent of Post Offices, Jaipur City Postal Division, Jaipur-302006.

....Respondents

Mr. N.C. Goyal, counsel for respondents.

ORDER

Per: Suresh Kumar Monga, Judicial Member

The factual matrix emanating from the record of the case is that the applicant's father expired on 13.08.2014 while working as Postal Assistant with the respondents. After his death, the applicant's mother submitted an application dated 27.01.2015 seeking employment on compassionate grounds for the applicant herein. The applicant, as per her educational qualification, was considered eligible for the posts of Postal Assistant/Sorting Assistant, Postman and MTS. After scrutiny, her case was forwarded to the Chief Post Master General, Rajasthan Circle,

Jaipur on 20.10.2015. Accordingly, the applicant's name was considered by the Circle Relaxation Committee along with 47 other candidates against 08 vacancies of Postal Assistant/Sorting Assistant, 07 vacancies of Postman and 07 vacancies of MTS earmarked for appointment on compassionate grounds for the year 2015-16. The meeting of the Circle Relaxation Committee took place on 14.09.2016. The applicant could secure 43 weightage points. Whereas, the last candidate recommended by the Circle Relaxation Committee for appointment in the cadres of Postal Assistant /Sorting Assistant, Postman and MTS secured 53, 51 and 44 weightage points, respectively. Since the applicant secured 43 weightage points, which were less than the weightage points secured by the last recommended candidates, therefore, her case was not recommended by the Circle Relaxation Committee for appointment on compassionate grounds. The said decision of the Circle Relaxation Committee was conveyed to the applicant by the respondents vide their letter dated 06.10.2016. Aggrieved by the said action, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking therein a direction to the respondents to grant her employment on compassionate grounds.

2. Heard learned counsels for the parties.

3. Learned counsel for the applicant contended that while awarding 10 weightage points for number of dependents, the respondents have committed a serious error. They ought to

have awarded 15 weightage points instead of 10 as there are three dependents of the deceased Govt. employee, who was survived by his widow namely Smt. Santosh Meena, a daughter namely Archana Meena (applicant herein) and an adopted son namely Deepak Meena. While awarding the weightage points, the respondents have not taken into consideration the dependency of adopted son of the deceased Govt. employee and, therefore, the applicant is entitled to 15 weightage points for three dependents. Similarly, while awarding 03 weightage points for property owned by the deceased Govt. employee, the respondents have committed an error as they ought to have granted 05 weightage points on this count. Learned counsel further submitted that the adopted son of the deceased Govt. employee was a minor at the time of death of deceased Govt. employee and, therefore, the respondents should have awarded 05 more weightage points on this count. Apart from this, learned counsel submitted that Circle Relaxation Committee has considered the vacancies in the financial year. Whereas, they were required to work out the vacancies in the calendar year and, thus, a wrong procedure has been adopted while making recommendations of the candidates.

4. Per contra, learned counsel for the respondents contended that the applicant's request for grant of employment on compassionate grounds was received in the department on 27.01.2015 and the same was considered by the Circle Relaxation Committee against the vacancies for the year 2015-16. Her case was duly considered and the weightage points were rightly allocated as the appendix, which was submitted

along with the application furnished by the applicant disclosed the name of 02 dependents only. Learned counsel, while referring to a slab of valuation of property owned by a deceased Govt. employee, submitted that a candidate can be granted 03 weightage points where the valuation of the property is assessed between Rs. 3,00001/- to 6,00000/-. Since in the applicant's case, the value of the property owned by her father was assessed at Rs. 4,29,450/-, therefore, she has rightly been awarded 03 weightage points on this count. Learned counsel further submitted that with regard to adopted minor son, neither any disclosure was made in the service record of the deceased Govt. employee nor the applicant herself while furnishing document Annexure R/13 along with her application disclosed his name. In this view of the matter, the Circle Relaxation Committee has committed no error while awarding zero as weightwage point for education of minor child. Learned counsel further submitted that the Circle Relaxation Committee has rightly allocated 43 weightage points and since the last candidate recommended by the Circle Relaxation Committee secured 44 weightage points, therefore, the respondents have committed no error while declining the employment to applicant on compassionate grounds. Learned counsel further submitted that as per the prevalent instructions, there is a ceiling of 5% vacancies and against the available vacancies in the year 2015-16, the applicant's case was considered along with 47 other candidates. He, thus, submitted that the Original Application deserves to be dismissed.

5. Considered the rival contentions of learned counsels for the parties and perused the record.

6. There is no dispute with regard to the fact that the applicant had submitted her application seeking employment on compassionate grounds on 27.01.2015. Alongwith her application, she had also furnished a document titled as Part-II (Annexure R/13) wherein she disclosed the names of only two dependents i.e. the applicant herself and her mother Smt. Santosh Meena. In the said document, name of the adopted son has not even been disclosed. Neither any adoption deed has been placed on record in order to establish the fact with regard to adoption of Deepak Meena by the deceased Govt. servant during his life time. The specific fact pleaded by the respondents that information regarding adopted son is not available in the office record has not even been refuted by the applicant by way of filing a rejoinder. The adopted son's name even does not find mention in the Pension Pay Order of the deceased Govt. employee. In this view of the matter, we do not find any error when the Circle Relaxation Committee awarded 10 weightage points for number of dependents of the deceased Govt. employee. Similarly, the applicant has been rightly awarded 03 weightage points for the property owned by the deceased Govt. employee, which was evaluated by the authorities at Rs. 4,29,450/-. The slab maintained for this purpose clearly divulges that a candidate seeking employment on compassionate grounds can secure only 03 weightage points where the property owned by the deceased Govt. employee is evaluated between Rs. 3,00001/- to 6,00000/-. We also do not see any error when

the Circle Relaxation Committee awarded zero weightage point for the education of minor child as the applicant has failed to establish on record about the adoption of Deepak Meena by the deceased Govt. employee during his life time. Since there was no minor child in the family, therefore, the Circle Relaxation Committee has rightly awarded zero weightage point on the said count. We do not find any merit in the argument raised by learned counsel for the applicant that the vacancies should have been worked out in a calendar year instead of financial year as he failed to point out any such guidelines or the policy decision of the respondents in this regard. The categoric stand maintained by the respondents that the applicant's case was duly considered along with 47 other candidates against the vacancies, which became available within the 5% ceiling in the year 2015-16 has not been refuted. While assessing the comparative merit vis-à-vis other candidates, the Circle Relaxation Committee did not find the applicant's case more deserving than the other candidates, who were seeking employment on compassionate grounds and recommended their names for compassionate employment.

7. By now, it is well settled that the compassionate employment cannot be claimed as a matter of right. It is an exception to the general rule of appointment in public services and the object is to provide immediate assistance to the family of a deceased Govt. employee, who dies in harness leaving behind the family in penurious conditions. The scheme was never intended to ensure that in each and every case, the family member of a deceased Govt. employee is to get employment.

8. In the conspectus of discussions made in the foregoing paragraphs, we do not find any merit in the present Original Application and, accordingly, the same is hereby dismissed. However, there shall be no order as to costs.

**(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

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