

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/783/2013

Order reserved on 06.08.2019

DATE OF ORDER: 27.09.2019

CORAM

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

Jaiprakash Sharma s/o Late shri Ramesh Chandra Sharma, by
cast Sharma, aged about 36 years, r/o village Tisharia, P.O.
Tisharia, Teh. Toda Bhim, Distt. Karauli.

....Applicant

Mr. P.N. Jatti with Mr. B.K. Jatti, counsels for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India,
Department of Posts, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. Superintendent Post Offices, Sawai Madhopur.

....Respondents

Mr. A.S. Shekhawat, counsel for respondents.

ORDER

Per: Suresh Kumar Monga, Judicial Member

Factual matrix of the case is that the applicant's father had been working with the respondents and he expired while in services on 18.11.2012. He was survived by his wife Smt. Shanti Devi, three daughters namely Saroj, Sunita and Seema and two sons namely Pursottam and Jai Prakash (applicant herein). After his death, Smt. Shanti Devi (applicant's mother) submitted a representation for grant of employment to applicant on compassionate grounds, which was considered by the Circle Relaxation Committee on 13.06.2013 and the same was rejected vide order dated 08.07.2013 (Annexure A/2). A communication

in this regard was given to the applicant vide letter dated 30.07.2013/01.08.2013 (Annexure A/1). Aggrieved by the said action of the respondents, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. The respondents, while filing their reply, have joined the defence and opposed the applicant's claim for appointment on compassionate grounds. It has been stated that the deceased employee left behind his wife, two married sons and three married daughters. The applicant's case for grant of employment on compassionate grounds was put up before the Circle Relaxation Committee, which did not find the family in indigent condition and, therefore, his case was not recommended for appointment on compassionate grounds. To support the recommendations of Circle Relaxation Committee, it has further been averred that the family has its own house and a sum of Rs. 109500/- was paid as discharge benefits. All the three daughters of the deceased Govt. employee were married at the time of his death and there was no liability in this regard. Even both the sons including the applicant herein were married at that time. The elder son namely Pursottam was 42 years old at that time and was earning his livelihood. Considering all these aspects, the Circle Relaxation Committee could award 35 weightage points to applicant and, therefore, in comparison to other cases, his case was not found as a hard and deserving case for appointment on compassionate grounds. With all these assertions, the respondents have prayed for dismissal of the O.A.

3. Heard learned counsels for the parties.

4. Shri P.N. Jatti, learned counsel for the applicant argued that the Circle Relaxation Committee ignored the recommendation of Village Sarpanch wherein he certified that the family is living in a *Kachha* house and is living in an indigent condition as at the time of marriages of the daughters of deceased Govt. employee, a huge sum was taken as a loan. Apart from this, the family has no source of income. Learned counsel further submitted that even a certificate issued by the Tehsildar to the effect that the family has got no agricultural land, has also been ignored. It is the contention of learned counsel for the applicant that the Circle Relaxation Committee has not arrived at a right conclusion while awarding 35 weightage points to applicant. Learned counsel further submitted that even the respondents have issued instructions dated 30th May, 2017 wherein it has been decided to dispense with the weightage points system. It is the contention of learned counsel that the applicant's case is required to be reconsidered as the system of grant of weightage points has now been dispensed with by the respondents.

5. On the other hand, Shri A.S. Shekhawat, learned counsel for the respondents argued that the applicant's case was considered as per the policy guidelines in vogue at the relevant time and while awarding weightage points, each and every aspect of the family was taken into consideration meticulously by the Circle Relaxation Committee. Since the applicant could secure 35 weightage points, therefore, his case was not found to be a hard and deserving case vis-a-vis others. Learned counsel further argued that the appointment on compassionate grounds cannot

be claimed as a matter of right. Since the family of the deceased Govt. employee has not been found to be in indigent condition, therefore, the respondents have rightly declined the appointment to applicant on compassionate grounds. He, thus, submitted that there is no fallacy in the order dated 08.07.2013 (Annexure A/2).

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

7. Admittedly, the applicant's case for grant of employment on compassionate grounds was considered by the Circle Relaxation Committee in its meeting held on 13.06.2013 as per the policy guidelines prevalent at that time. A perusal of document Annexure R/7 reveals that along with the applicant, names of about 48 candidates were considered and the weightage points were awarded to all the candidates as per the settled norms and criteria. The applicant, who could be awarded 35 weightage points, was not found to be a fit and deserving candidate vis-a-vis other candidates. A perusal of order dated 08.07.2013 (Annexure A/2) further reveals that as per the guidelines issued on the subject vide letters dated 14.12.2010 and 09.03.2012, the competent authority under its limit by adopting yardstick based on 100 points scale of the various attributes had made a comparative and objective assessment of financial conditions of each candidate. While declining the applicant's request for grant of employment on compassionate grounds, it was also noticed that the family had no liabilities like education of minor children and marriage of daughter of the deceased Govt. employee. Since the applicant could secure only 35 weightage

points against the prescribed minimum 50 points, therefore, we do not find any fallacy in the order dated 08.07.2013 (Annexure A/2).

8. Shri Jatti, learned counsel for the applicant could not point out any error in the award of weightage points to applicant. However, he submitted that in view of the revision of scheme on 30th May, 2017, the applicant's case is required to be reconsidered as now the respondents have dispensed with the system of award of weightage points for considering a case of a dependent of deceased Govt. employee for grant of employment on compassionate grounds. A perusal of the revised scheme dated 30th May, 2017, which was placed on record subsequently as Annexure MA/1, reveals that the revised scheme came into effect from the date of issuance of the letter dated 30th may, 2017 and was made applicable to all those cases which were pending on that date or arising on or after the said date. It has been stipulated in the said revised scheme that the cases, which have already been settled, will not be reopened. In this view of the matter, we do not find any substance in the argument of learned counsel for the applicant as the applicant's case, which was settled much prior to the date of issuance of the revised scheme, cannot be reopened.

9. By now, it is well settled that the appointment on compassionate grounds cannot be claimed as a matter of right. It has been repeatedly held by the Hon'ble Supreme Court through various judicial pronouncements that the appointment on compassionate grounds is not a source of recruitment. It is an exception to 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.

10. Since in the case in hand, the family of the deceased Govt. employee has not been found to be in an indigent condition, therefore, the order dated 08.07.2013 (Annexure A/2) declining the employment to applicant on compassionate grounds cannot be termed to be unjust. Thus, the Original Application deserves to be dismissed.

11. Accordingly, the Original Application is dismissed. However, there shall be no order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat