

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE

ORIGINAL APPLICATION NO.170/01549/2018

DATED THIS THE 30TH DAY OF SEPTEMBER, 2019

HON'BLE DR K. B SURESH....MEMBER (J)

S. Srirangaprasad
S/o late Shivashankar, Aged 23 years,
R/o 1286, Gosegowdara beedi,
Srirangapattana, Mandya District
PIN 571438

...Applicant

(By Advocate Shri P.V. Shivaprakash and Shri Radhakrishna)

Vs.

1. Union of India,
Reptd by the Secretary,
Department of Post,
Dak Bhavan,
New Delhi 110 001

2. Senior Superintendent of Post Offices,
Mandya Division
Mandya

...Respondents

(By Shri N.B. Patil, Counsel for the Respondents)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

Heard. The matter relates to compassionate appointment which the respondent objects to on several grounds. One ground is the point of limitation. Apparently the government servant died in the year 2001 and the application was moved by the applicant in the year 2012. But then this was the

time during which the applicant was burdened with minority and therefore this time cannot be taken into account and therefore I hold that there is no question of limitation. The other ground on which the compassionate appointment is denied is that the applicant has not secured the minimum points of 55 to prove his indigency. The respondents have given in paragraph 6 of their reply the details in a tabular form which is quoted below:

Sl.

No.

Particulars

Facts

Max Pts Allotted

Points Secured

1

Family Pension {<5001=20), (>=5001 & <8001=18, (>=8001 & <11001=16) (>=11001 & <14001=14) (>=14001 & <17001=12) (>=17001 & <20001=10) (>=20001 & <23001=8) (>=23001=6)}

3500/-

20

20

2

Terminal Benefits {<1.4=10), (>1.4 & <1.68=9), (>1.68 & <1.96=8), (>1.96 & <2.24=7), (>2.24 & <2.52=6), (>2.52 & <2.80=5), (>2.8 & <3.08=4), (>3.08 & <3.36=3), (>3.36 & <3.64=2), (>3.64 & <4.21=1), (>4.2=0)

201620/-

10

7

3

Monthly Income {(0=5, (<2501=4) (>2500 & <3501=3), (>3500 & <4501=2), (>4500 & <5501=1), (>=5501=0)}

0

5

5

4

Moveable/Immoveable Property {(0=10, (<150000=8), (>150000 & <300000=6), (>300000 & <600000=3), (>600000 & <1000000=1), (>1000000=0)}

198000/-

10

6

5

No. of Dependants {(1=5), (2=10) (>=3=15)}

2

15

10

6

No. of Unmarried Daughters {(1=5), (2=10) (>=3=15)}

0

15

0

7

No. of Minor Children {(1=5), (2=10) (>=3=15)}

0

15

0

8

Left Over Service {(<5=2 (>5 & <10=4), (>10 & <15=6), (>15 & <20=8 (>=20=10))}

9 years

10

4

9

Special Points-Spouse Applicant (Widow)

Son

15

0

Total Points

(100+15 =115)

52

2. Apparently the applicant was queried on these points and there is no challenge to the award of points and therefore I hold that the lack of indigency seems to be established.
3. One other point is also brought up by the respondents with the question of limitation. Since the rejection order was in 2014 the OA should have been filed within the next 2 years, i.e., before 2016. The applicant has not filed a condonation of delay application also to examine the reasons for the delay and condonation thereof. Therefore on both these grounds, the OA will not lie.

4. At this point of time the learned counsel for the applicant objects to the reasoning given by the respondents. Therefore, with the help of both the counsels I had examined the tabular consideration given by the respondents. Relating to family pension, he is getting pension of Rs. 3500/- for which the entire 20 points is granted to him. Regarding terminal benefits, he got Rupees Two lakhs odd for which out of 10 points 7 points is given to him. Relating to monthly income, he is getting the full point of 5. Relating to movable and immovable property out of 10 he is getting 6 points. At this point of time the applicant submits that the earlier amounts were deposited and for this deposit also it is being considered. But then such consideration is same and similar for all the candidates and there is no discrepancy in it. For number of dependents, since there are only 2 dependents, he is getting 10 points which also cannot be contradicted. For number of unmarried daughters, as there are no unmarried daughters, he gets 0. For number of minor children, he gets 0. As left out service is 9 years, he gets 4 points which is correct. Since the applicant is son and not widow he gets 0 on that. Therefore, the points given by the respondents as 52 is correct in every way. On these points I had specifically queried the learned counsel for the applicant Shri Radhakrishna but then he had no further explanation. Therefore, I hold that the calculation made by the respondents is absolutely correct. Therefore, the OA will not lie on these two points.

5. The OA is dismissed. No order as to costs.

(DR K B SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the Applicant in OA No.170/01549/2018

Annexure A1 : Copy of the letter dated 16.04.2015

Annexure A2 : Copy of the letter dated 16.08.2016

Annexure A3 : Copy of the letter dated 28.11.2017

Annexure A4 : Copy of the certificate of death of applicant's father

Annexure A5 : Copy of the letter by mother of applicant dated 23.10.2001

Annexure A6 : Copy of the application dated 05.03.2012 to the Respondent No. 2

Annexure A7 : Copy of the no objection letter dated 19.07.2012 by the mother of the applicant

Annexure A8 : Copy of the letter dated 19.07.2012

Annexure A9 : Copy of the compassionate appointment check list

Annexure A10 : Copy of the pension payment order No. 1705/SL/BG

Annexure A11 : Copy of the particulars of service of the deceased postman

Annexure A12 : Copy of the no land certificate issued by Tahsildar, Srirangapatna

Annexure A13 : Copy of the lease certificate by the owner of the house letting the house on rent to the mother of the applicant

Annexure A14 : Copy of the letter by owner of the house to the Inspector of post Srirangapatna for renting the house to Smt Prabhavati

Annexure A15 : Copy of the certificate by Chief Officer, Srirangapatna

Annexure A16 : Copy of the SSLC marks card of the applicant

Annexure A17 : Copy of the PUC marks card of the applicant

Annexure A18 : Copy of the details of the candidate and the recommendation signed by the Superintendent of Post Offices, Mandya

Annexure A19 : Copy of the request dated 27.10.2016

Annexure A20 : Copy of the letter dated 02.05.2018

Annexure A21 : Copy of the reply by PMG dated 19.06.2018

Annexure A22 : Copy of the letter dated 26.06.2018

Annexure A23 : Copy of the letter dated 14.12.2015

Annexures with reply statement

Annexure R1: Copy of the letter sent by the mother of the applicant to the postal department.

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