

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/1044/2018

Date of Order: 01.07.2019

Between:

A. Leelasankar, Gr. D
S/o Late A. Narayana
Ex GDSMC A.M.Putheri BO
a/w Peddakannali SO Occ: Cooly
Putheri Village B N Kandriga Mandal, Chitoor Dist.
Tirupathi Division. ... Applicant

AND

1. Union of India: Rep. by
The Chief Post Master General
A.P.Circle
Vijayawada – 520 013 AP.
2. The Postmaster General
A.P.Southern Region, Kurnool
Kurnool – 518 002. AP
3. The Superintendent of Post Offices
Tirupathi Division, TIRUPATHI Post. AP.... Respondents

Counsel for the Applicant ... Mr. B. Gurudas.

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. OA is filed for grant of compassionate appointment.
3. Applicant's father has died while working for the respondents organization as Grameen Dak Sewak MC on 29.1.2007. Applicant represented for compassionate appointment, which was rejected on the grounds that the family is not living in indigent circumstances. Aggrieved, OA has been filed, requesting to direct respondents to consider the case of the applicant as per revised guidelines issued on 30.5.2017.
4. The contentions of the applicant are that the family is living in indigent circumstances. Brothers are married and living separately. Applicant has the requisite educational qualification. He is in dire need of a job due to severe financial distress. Applicant has no property to live upon. Case of the applicant was rejected taking the financial position of the brothers which is not fair.
5. Respondents inform that the deceased employee had 3 sons. Among them the eldest son is working as Assistant in the Registration Department of State Government and the 3rd son is working as Postman in the respondents organization. Wife of the deceased employee has also died on 22.8.2008. Annual income of the applicant is Rs.60,000/-. Family of the

deceased has been paid terminal benefits of around Rs.2.00 lakhs. The Circle Relaxation Committee, on 22.9.2017, rejected the request of the applicant after assessing the indigent circumstances of the family. Applicant is the lone dependent family member.

6. Heard both the learned counsel and perused the records as well the material papers submitted.

7. I) The impugned order dated 22.9.2017 spells out the reasons for rejection as under:

- i) Family of the deceased employee is not living in indigent circumstances.
- ii) Family members are well settled.
- iii) There are no liabilities to be met.

The objective of compassionate appointment is to provide immediate support to the family of the deceased employee which is living in indigent circumstances. In the present case, brothers of the applicant are well settled and the applicant has no dependent family member to look after.

The wife of the deceased employee has also passed away.

II) Compassionate appointment is not a bonanza. It has a specific purpose of coming to the rescue of the deceased employee's family where

there is a sudden loss of the bread winner. Mere death of an employee does not entitle the family member to be considered for compassionate appointment, as a matter of right. The financial condition of the family has to be looked into. In the present case, the family is not living in indigent circumstances. There are no liabilities and also there are no dependent family members to be looked after by the applicant. Object of the compassionate appointment is to provide relief from destitution. Just as applicant is looking for a job, there are many other families whose living standards could be much worse than that of the applicant. A member of such disadvantageously placed family would be looking out desperately for an opening to survive and take care of those who depend on him by participating in the open competition. Whereas, compassionate appointment, is an exception to Article 14 of the Constitution of India, wherein employment is given on special circumstances by relaxing Recruitment Rules. Hence, its application has to be done with great care and concern so that the object of compassionate appointment is served effectively and purposefully. In the present case, none of the parameters laid down for compassionate appointment have been satisfied. Hence, the rejection of the request for compassionate appointment by the respondents is in order. In this regard, Tribunal relies upon the observation made by the

Hon'ble Supreme Court in Umesh Kumar Nagpal v. State of Haryana & Others, (1994) 4 SCC 138, as under, to make the assertion scribed in the lines above:

“2. ... The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency. The provision of employment in such lowest posts by making an exception to the rule is justifiable and valid since it is not discriminatory. The favourable treatment given to such dependant of the deceased employee in such posts has a rational nexus with the object sought to be achieved viz. relief against destitution. No other posts are expected or required to be given by the public authorities for the purpose. It must be remembered in this connection that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The exception to the rule made in favour of the family of the deceased employee is in consideration of the services rendered by him and the legitimate expectations, and the change in the

status and affairs, of the family engendered by the erstwhile employment which are suddenly upturned.”

III) Hence, in view of the aforesaid facts and the legal principle enunciated by the Hon'ble Apex Court, OA being devoid of merit, merits dismissal and, hence, the same is dismissed with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 1st day of July, 2019

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