CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH,

CIRCUIT BENCH AT SHIMLA

O.A.NO.063/15/2020

This, the 27th day of February, 2020

Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Ms. Naini Jayaseelan, Member (A)

Surender Kumar aged about 31 years, son of late Shri Kishori Lal, VPO Harnera, Via Shahpur, District Kangra, H.P.-176206.

.....Applicant

By Advocate : Mr. Anuj Nag

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. The Director General (GDS Section), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi – 110 001.
3. Chief Postmaster General, H.P. Circle, Shimla-171 009, Ministry of Communication, Department of Posts, Himachal Pradesh.
4. Assistant Director (Staff), O/o Chief Postmaster General, H.P. Circle, Shimla-171 009.

.....Respondents

ORDER (ORAL)

BY MR. SANJEEV KAUSHIK MEMBER (J)

1. Through this OA, the applicant is challenging the order dated 09.09.2019 (Annexure A-6) whereby his claim for appointment on compassionate grounds on the demise of his father has been rejected on the pleas that the Department has already considered and rejected the claim of his elder brother for appointment on compassionate grounds.

2. Heard Sh. Anuj Nag, learned counsel for the applicant.

3. The father of the applicant unfortunately died on 11.06.2014. Immediately thereafter, the brother of the applicant moved application for appointment on compassionate grounds. His case was considered and rejected way back in the year 2014. Thereafter, the applicant, who is the second son of the deceased employee, moved an application for considering his case for compassionate appointment. Legal Notice (Annexure A-7) was served to the respondents after the case of the applicant for compassionate appointment was rejected by

the Department. The Department replied to this Legal Notice also (Annexure A-8).

4. It is not in dispute that the Department has already considered the claim of the dependent of the deceased employee for appointment on compassionate grounds and did not find the case fit for the same. The present OA has been filed after the request of the second son of the deceased employee for compassionate appointment was turned down on the plea that the case of the elder son has already been considered and rejected.

5. It is well settled that compassionate appointment is intended to enable the family of the deceased employee to tide over the sudden crisis resulting due to the death of bread earner who had left the family in penury and without any means of livelihood. The Lordships have considered the Scheme of Compassionate Appointment in case of **Umesh Kumar Nagpal Vs. State of Haryana etc. (1994) 4 SCC 138**, and have held that it cannot be claimed as a matter of right and will be governed as per the policy. It is an exception to general rule of appointment as settled in case of Umesh Nagpal (supra) which has been holding

the field till date. In the present case, first application submitted by the brother of the applicant was considered and rejected in the year 2015 and this was never challenged in the court of law. The second application was submitted on 01.08.2019, which has now been rejected on 09.09.2019 i.e. after delay of four years of first rejection.

6. We do not find any illegality in the impugned order rejecting the claim of the second son for appointment on compassionate grounds as the case of the elder son in this regard had already been considered and rejected and that order was never challenged before the court of law.

7. In view of the above, we do not see any reason to issue notice to the respondents in this case. Accordingly, this OA, being devoid of merits, is dismissed in limine. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

(NAINI JAYASEELAN)
MEMBER (A)

Dated: 27.02.2020
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Central Administrative Tribunal
सत्यमेव जयते