

HIGH COURT OF JUDICATURE AT ALLAHABAD

JUDGEMENT RESERVED ON 20.03.2025

JUDGEMENT DELIVERED ON 23.04.2025

Court No. - 21

Case :- WRIT - A No. - 3230 of 2025

Petitioner :- Praveen Rani

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Ravi Prakash Rai,Rishi Kant Rai,Tej Bahadur Rai

Counsel for Respondent :- A.S.G.I.,Gaurav Kumar Chand

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

(Per Anish Kumar Gupta, J.)

1. Heard Sri Rishikant Rai, learned counsel for the petitioner and Sri Gaurav Kumar Chand, learned Standing Counsel for the respondents.
2. The instant petition has been filed challenging the judgement and order dated 29.08.2024 passed in Original Application No. 952 of 2017 by the Central Administrative Tribunal, Allahabad Bench at Allahabad and order dated 05.8.2014 passed by Superintendent of the Post Office, Meerut Division, Meerut.
3. The brief facts of the case are that mother-in-law of the petitioner was posted as Gramin Dak Sevak at Village-Kazmabad, Tehsil and District-Meerut. She died in harness on 12.12.2010 leaving behind her husband and two sons and two daughter-in-laws. Subsequent thereto, the younger son of the deceased, namely, Rajiv Kaushik applied for compassionate appointment, however, his application was rejected by Senior Superintendent of Post Office, Meerut vide order dated 09.5.2014 on the ground that Rajiv Kaushik being a married son was not considered to be dependant as per the revised circular dated

9.10.2013 issued by the respondent-Department. After rejection of the application of Sri Rajiv Kaushik, the son of the deceased, the petitioner herein, who is the widow of another son of the deceased applied for compassionate appointment on 31.7.2014. The said application of the petitioner was rejected vide impugned order dated 5.8.2014 on the ground that daughter-in-law of the deceased is not considered as a dependant for the purposes of compassionate appointment as per the scheme for compassionate appointment applicable on the date of application in the postal department.

4. Subsequently, the scheme for compassionate appointment of deceased Gramin Dak Sevak was revised on 13.5.2017 and it was provided that widow of predeceased only son of deceased Gramin Dak Sevak, if wholly dependant on Gramin Dak Sevak, would be entitled for compassionate appointment provided she gives an undertaking that she is not availing the same benefit from her own parenthood.

5. Having regard to the aforesaid revision in the scheme for compassionate appointment due to death of Gramin Dak Sevak, the petitioner herein filed the Original Application no. 952 of 2017 before the Central Administrative Tribunal, Allahabad which was rejected by the impugned order. The Tribunal while rejecting the application has considered the revised scheme dated 30.5.2017 and has held that even as per the revised scheme the applicant was not eligible for compassionate appointment due to death of her mother-in-law as according to the aforesaid scheme the daughter-in-law of deceased Gramin Dak Sevak would be eligible if she is the widow of only son of the deceased. In the instant case, admittedly the deceased had two sons. Thus, the applicant was not entitled for compassionate appointment even in view of the revised scheme.

6. Learned counsel for the petitioner has submitted that the issue as to which scheme will be applicable in the instant case, the one which is

prevalent on the death of the deceased Gramin Dak Sevak or one which was applicable on the date of consideration of the application for compassionate appointment, is still pending before the larger Bench of the Apex Court as there are divergent views. To support his submissions, he has relied upon the judgment of the Apex Court dated 11.2.2025 in Civil Appeal No. 255 of 2025, **Canara Bank vs. Ajith Kumar G.K., 2025 SCC OnLine SC 290.**

7. Per contra, learned Standing Counsel submits that admittedly the applicant was not entitled for compassionate appointment as per the applicable scheme dated 9.10.213 on the date of consideration of her application for compassionate appointment. Even as per the revised scheme dated 30.5.2017 since the deceased had two sons at the time of her death, therefore, the petitioner being the widow of the second son, who died subsequent to the death of the deceased Gramin Dak Sevak, is not entitled for compassionate appointment. Therefore, he has prayed for dismissal of the instant petition.

8. Having considered the rival submissions, this Court has carefully gone through the record of the case.

9. It is the admitted case of the parties that at the time of death of deceased Gramin Dak Sevak both the sons of the deceased were married and as per the revised scheme dated 9.10.2013 the married sons were not entitled for compassionate appointment. Therefore, the application of son of the deceased, namely, Rajiv Kaushik was rightly rejected vide order dated 9.5.2014. Similarly, on the date of consideration of the application of the petitioner herein again the scheme dated 9.10.2013 was holding the field, according to which the daughter-in-law of deceased Gramin Dak Sevak was not entitled for compassionate appointment. Thus, there was no illegality in the order dated 5.8.2014 rejecting the application of the petitioner.

10. The petitioner has filed the Original Application before the Central Administrative Tribunal, Allahabad after the scheme was revised on 30.5.2017 whereby the daughter-in-law of the deceased Gramin Dak Sevak was included in the definition of dependent family member only if son of the Gramin Dak Sevak had predeceased him/her.

11. Admittedly, the deceased had two married sons alive at the time of her death therefore, even as per the revised scheme the petitioner is not entitled for compassionate appointment. In view of the aforesaid admitted position, we are refraining ourselves from going into the question as to which of the two schemes would be applicable.

12. It is settled position of law that a person can claim compassionate appointment, if he or she is eligible as per the scheme available for such appointment. In **State Bank of India And Another vs. Somvir Singh; (2007) 4 SCC 778** the following observations were made by the Apex Court:-

“10. There is no dispute whatsoever that the appellant Bank is required to consider the request for compassionate appointment only in accordance with the scheme framed by it and no discretion as such is left with any of the authorities to make compassionate appointment dehors the scheme. In our considered opinion the claim for compassionate appointment and the right, if any, is traceable only to the scheme, executive instructions, rules, etc. framed by the employer in the matter of providing employment on compassionate grounds. There is no right of whatsoever nature to claim compassionate appointment on any ground other than the one, if any, conferred by the employer by way of scheme or instructions as the case may be.”

13. Compassionate appointment is ordinarily offered in two contingencies carved out as exceptions to the general rule, viz. to meet the sudden crisis occurring in a family either on account of death or of medical invalidation of the breadwinner while in service. Appointment on compassionate ground, which is offered on humanitarian grounds, is an exception to the rule of equality in the matter of public employment. The whole object of granting

compassionate employment by an employer being intended to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis, appointments on compassionate ground should be made immediately to redeem the family in distress. Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants. None can claim compassionate appointment by way of inheritance. No person has any vested right to claim compassionate appointment, on the occurrence of death/medical incapacitation of the concerned employee.

14. The application for compassionate appointment has to be made upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. The right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over. The object of compassionate employment is not to give a member of a family of the deceased employee a post much less a post for post held by the deceased. The compassionate appointment is not the reservation in favour of the dependants of the employee, who died while in service, which would directly be in conflict with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution of India. The idea of compassionate appointment is not to provide for endless compassion.

15. Compassionate appointments can be granted to dependents of the deceased employee only when they fulfil the eligibility criteria for such appointment under the scheme available. Thus, in our considered opinion since the petitioner was not eligible as per the previous scheme as well as the prevalent scheme at the time of consideration of her application or even as per the revised scheme dated 30.5.2017 and the schemes are not under challenge, therefore, she cannot claim

compassionate appointment. We do not find any illegality in the impugned order passed by the Central Administrative Tribunal dated 29.08.2024 as well as order dated 05.08.2014 passed by the Superintendent of Post Office, Meerut.

16. The writ petition lacks merit and is accordingly **dismissed**.

Order Date :- 23rd April, 2025
Kirti

(Anish Kumar Gupta, J.)

(Manoj Kumar Gupta, J.)