

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.3002 of 2017

Reserved on : January 16, 2019

Date of decision: March 12, 2019

Brij Pal

...Petitioner

Versus

Central Administrative Tribunal and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

Mr. Namit Kumar and Mr. Alankrit Bhardwaj, Advocates
for the respondents - Union of India.

HARINDER SINGH SIDHU, J.

This petition has been filed impugning the order dated 25.10.2016 of the Central Administrative Tribunal, Chandigarh Bench in O.A. No.060/00702/2015, whereby, the Original Application filed by petitioner has been dismissed.

The petitioner had filed the OA challenging the order dated 15.1.2015 and 27.3.2015 whereby his claim for appointment on compassionate basis had been rejected.

Ram Kumar, the father of the petitioner was working as Post Master in Nanehra Branch (KA) Panipat. He died on 26.12.2008 while in service. Due to his sudden death, the petitioner's mother fell seriously ill.

At that time, the petitioner was only 13½ years old and was studying. He completed his 10+2 from the Board of School Education, Haryana on 31.5.2012. His mother died on 4.2.2010. A communication dated 19.10.2013 was received from the office of Assistant Superintendent of Posts, Panipat stating that the sister of the petitioner was not eligible for appointment on compassionate basis. The petitioner was advised to apply on attaining majority. The respondents again wrote to the petitioner on 9.9.2014 to send documents for consideration of his claim for ex-gratia, severance allowances, etc. and also for consideration for appointment on compassionate basis. He applied for compassionate appointment. His case for compassionate appointment was rejected vide order dated 16.1.2015 on the ground that the compassionate appointment could be granted only in 'hard and deserving cases' where the candidate has over 50 merit points. The petitioner had earned only 39 merit points and hence, was not eligible. The relevant extract of the impugned order is as under:

“...The case has been examined on merits, in the light of the instructions issued by the department from time to time for compassionate engagements, keeping in view the cases where the family is indigent and deserves immediate assistance for relief from financial destitution.

Department has prescribed a system of allocation of points to various attributes based on a hundred point scale as circulated vide D.G. Posts letter No.17-17/2010-GDS dated 14.12.2010 and 09.03.2012. The details of applicant with reference to prescribe attributes and points earned thereon by the applicant are given as under:-

Sr.	Attributes		Details of Applicant	Point earned
1.	Compassionate Appointment sought for herself/dependant		Dependent	00
2.	No of Dependents		01	03
3.	Outstanding Liabilities	Education of Children	None	00
		Marriage of daughters	None	00
4.	Left over service for and house		13Y, 11, 4D	06
5.	Own agriculture land and house		Own House	05
6.	Family earning of members of family per month		Nil	10
7.	Discharge benefits i.e. Ex.Gratia Gratuity, Severance amount, SDBS & EDGIS			39

As per D.G. Posts letter No.17-17/2010-GDS dated 01.08.2011 all request for compassionate engagement has to be considered on application of the relative merit points in hard and deserving cases only subject to availability of the vacancy for the purpose and fulfilment of the terms and conditions of the GDS post. The above mentioned directorate's letter clearly specified that the terms “hard and deserving cases” would mean cases over and above 50 merit point. The applicant ha earned only 39 merit points as detailed above, as such this case is not hard and deserving to get compassionate engagement in terms of directorate letter *ibid*. Therefore, the circle relaxation committee has **REJECTED** the same on

merits.”

The case of the petitioner before the Tribunal was that he had not been correctly awarded marks under different heads as per his entitlement. He has not been given marks under the head of 'education'. Less marks had been given under the head 'weightage for left over service'.

The respondents had contended that in his application, the petitioner had not claimed any such marks as he had not indicated that he was studying and was claiming marks under the said column. Even if the applicant is allowed five marks for education, he would not reach the benchmark of 50 marks as with addition of 5 marks to 39 his total would be only 44.

The Tribunal accepted the aforesaid argument and held that the petitioner did not qualify for compassionate employment. Further relying on the ratio of the decision of Hon'ble Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138*** that the object of compassionate employment is to tide over the immediate financial hardship on the death of a bread winner and the offer cannot be kept open indefinitely, the Original Application was dismissed.

Ld. Counsel for the petitioner has argued that he had not been awarded correct marks under various categories including for 'marriage of daughters' as his sister was unmarried at the time of his father's death. In the written statement filed by the respondents it has been stated that in the application form submitted by the petitioner his sister had not been shown as dependent. In fact her name had been struck out in the copy of the ration

card submitted along with the application form.

From the above it appears that the petitioner has been awarded marks as per the information given in the application form. Based thereon he did not secure the requisite 50 marks to qualify as a 'hard and deserving case' for compassionate appointment.

There is no infirmity in the order.

Accordingly, the petition is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

March 12, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No