

(2006) 08 P&H CK 0143
In the Punjab And Haryana At Chandigarh

Gulshan Lal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 22-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0143

Hon'ble Judges : Kiran Anand Lall, J;J.S. Khehar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

J.S. Khehar, J.—The petitioner's father Ajit Ram who was working as Stamp Vendor with the respondents died in harness on 6.4.1991. The petitioner raised a claim for compassionate appointment under the ex-gratia scheme of the Central Government. The claim raised by the petitioner was rejected by the respondents on 11.6.1992 (vide Annexure P1). The rejection of the claim of the petitioner was on the basis of the fact that the petitioner is already employed as an Extra Departmental Branch Postman and as such he was not entitled to seek appointment on compassionate grounds.

2. The aforesaid order dated 11.6.1992 was impugned by the petitioner after a lapse of 11 years when the petitioner approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (to be referred as "the Tribunal") by filing O.A. No. 823-PB of 2003. Having found no merit in the claim raised by the petitioner, the Original Application preferred by the petitioner was dismissed on 29.6.2004. A review petition filed by the petitioner against the order dated 29.6.2004 was also dismissed by the Tribunal on 23.11.2004. Dissatisfied with the order passed by the authorities on 11.6.1992 and the two orders passed by the Tribunal, the petitioner has approached this Court by filing the instant writ petition.

3. The primary contention of the learned Counsel for the petitioner is that as an Extra Departmental Branch Postman, the petitioner is being paid a consolidated

salary of Rs. 690/- per month and that the aforesaid salary is insufficient for the petitioner to make both ends and meet. Since the appointment of the petitioner as an Extra Departmental Branch Postman is not on regular basis, he states that the aforesaid appointment cannot be a bar to the claim of the petitioner for appointment on compassionate grounds on account of the death of his father in harness.

4. We have considered the aforesaid contention of the learned Counsel for petitioner. The Tribunal in its orders has concluded that as an Extra Departmental Branch Postman, the petitioner has an opportunity to be regularised against a Group-D post or as a Postman in due course of time. In the background of the aforesaid situation, it was held that it could not be stated that the petitioner was in a situation which resulted in a situation of complete helplessness at the time of the death of his father in harness. Additionally, the petitioner had waited for a period of 11 years before he approached the Tribunal to challenge the order dated 11.6.1992, whereby the respondents had rejected his claim for appointment on compassionate grounds.

5. We are satisfied that the aforesaid two reasons fully justify the conclusions recorded by the Tribunal. Since the petitioner is in a service which is likely to be regularised in due course of time, it cannot be stated that the petitioner at the time of his father's death and even now is unemployed. Additionally, the claim of the petitioner for appointment on compassionate grounds was wholly misconceived when it was raised before the Tribunal 11 years after the rejection order was passed by the respondents on 11.6.1992.

6. For the reasons recorded above, we find no merit in the instant writ petition, which is accordingly dismissed.