
(2025) 09 CAT CK 0478

In the Central Administrative Tribunal, Jaipur Bench, Jaipur

Case No : Original Application No. 603 Of 2017

Suresh Chand Sharma

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 29-09-2025

Acts Referred:

Citation : (2025) 09 CAT CK 0478

Hon'ble Judges : Ranjana Shahi, Member J

Bench : Single Bench

Advocate : B.K. Jatti, V.D. Sharma

Final Decision : Allowed

Judgement

Ranjana Shahi, Member J

1. The father of the applicant late Shri Tara Chand Tiwari expired while working on the post of Postman, Ajmer HO, expired on 57 January, 2016. The applicant applied for grant of compassionate appointment. His application for compassionate appointment was rejected; against which he had filed the representation on 20.12.2016 which was also rejected by the respondents vide order dated 20.01.2017 (Annexure A/1). As such, the applicant has filed the present Original Application praying for the following reliefs: -

"8.1 That by a suitable writ/order or the directions the impugned order dated 20/1/2017 annexed as Annexure A/1 and the order dated 7/10/2016 annexed as Annexure A/2 be quashed and set aside being illegal, arbitrary and contradictory to the rules.

8. That by a suitable writ order or the directions the respondents be directed to consider the case of the applicant for appointment on compassionate grounds and the appointment be allowed to the applicant as the applicant is a deserving candidate.

8.3 Any other relief which the Hon'ble bench deems fit."

2. The respondents in their reply have stated that the Circle Relaxation Committee (CRC) did not recommend the case of the applicant as he was not found comparatively hard and deserving in comparison to the other applicants/candidates. The respondents have further stated that family of deceased Shri Tara Chand Tiwari also has own property having value of Rs. 9,21,100/- as evaluated by Patwari / Sarpanch and terminal benefit of Rs. 3,52,967/- was paid to the family of the deceased employee. The widow of the deceased employee is getting family pension @ Rs. 3500/- admissible DA. The CRC after making objective and comparative assessment of financial condition and liabilities of 47 deceased employees' families, recommended the cases which were found hard and deserving and the case of the applicant was not recommended as it was not found comparatively hard and deserving in view of latest directions / guidelines on the subject issued by DOPT as the applicant secured 40 points, while the last candidates recommended by CRC for selection in PA/SA, Postman and MTS cadre secured 53 points, 51 points and 44 points, respectively.

3. Learned counsel for the respondents during the course of arguments pointed out that the applicant at the time of filing of the present O.A. in the year 2017 was 37 years old and now after almost 8 years, he must be around 45 years of age, as such, he has also crossed the age limit.

4. Heard both sides and perused the material available on record.

5. The father of the applicant expired on 5th January, 2016 while in service leaving behind his widow, two sons and two unmarried daughters. The CRC in its meeting held on 14.09.2016 considered the case of the applicant along with 47 others and awarded 40 points to the applicant. The cut off for PA/SA, Postman and MTS cadre was 53 points, 51 points and 44 points, respectively. As such, the case of the applicant was not recommended. Since the employee had expired in the year 2016 and the CRC considered the case of the applicant in the year 2016 itself; firstly to my mind, the respondents should have considered the case of the applicant in at least 2- 3 subsequent years also. Secondly, the liability of loan of Rs. 255600/- as claimed by the applicant should have been verified and considered. The main factor which distincts the case of the applicant from others i.e. the disability of the applicant which according to Medical Board Certificate on Permanent Disability dated 10.03.2023 issued by the Government of Rajasthan, Medical and Health Department, annexed as Annexure A/6, was held to be 70% permanent disability, was not at all considered. The respondents as well as CRC have mechanically applied parameters treating all the applicants/candidates before it at par and totally ignoring the special condition of the applicant without applying mind that the very purpose of the scheme for grant of compassionate appointment to the wards of the deceased employee is to help and support the dependent members of his family and who more than a physically disabled member of the deceased employee can be considered dependent. Determining "dependence" of the family member on the deceased employee is the main factor which is to be considered while granting employment on compassionate basis.

6. Now coming to the issue of age limit; first of all, the respondents have not raised this issue anywhere in their written averments. It is only during the oral arguments that the learned counsel for the respondents pointed it out. Secondly, at the time of applying for grant of compassionate appointment, the age of the applicant was around 37 years. The relevant extracts of Clause 6(B) of the Scheme for Compassionate Appointment attached with the Office Memorandum No. 14014/6/94-Estt(D) dated 09th October, 1998 issued by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training), New Delhi (Annexure R/5) is reproduced as below: -

“(B). RELAXATIONS

(a) Upper age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

Note I Age eligibility shall be determined with reference to the date of application and not the date of appointment;

Note II Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of upper age limit also for making such appointment.

XXXXXX?

From perusal of the above, it is clear that the age eligibility is to be determined as on the date of application.

7. As per OM No. 15012/1/2003-Estt. (D) dated 29th June, 2015 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi, as produced by the learned counsel for the applicant before me, age relaxation has been provided to the persons with disabilities; the relevant extracts of the OM dated 29th June, 2015 is reproduced as below: -

“2. The question of prescribing uniform age-concession for direct recruitment to all Civil Posts/Services under the Central Government has since been examined and in supersession of the OMs referred to at (i), (ii) and (iii) above, the following has been decided:

(i) Age relaxation of 10 years (15 years for SC/ST and 13 years for OBC candidates) in upper age limit shall be allowed to persons suffering from (a) blindness or low vision, (b) hearing impairment and (c) locomotor disability or cerebral palsy in case of direct recruitment to all civil posts/services under the Central Government identified suitable to be held by persons with such disabilities, subject to the condition that maximum age of the applicant on the crucial date shall not exceed 56 years.

(ii) The age concession to the persons with disabilities shall be admissible irrespective of the fact whether the post is reserved for person with disabilities or not, provided the post is identified suitable for the relevant category of disability. This provision will not apply to the Civil Services Examination, in respect of which

the List of Services Identified suitable for Physically Disabled Category along with' the Physical Requirements and Functional Classifications is notified separately.

(iii) Relaxation of age limit would be permissible to such persons who have a minimum of 40% disability.

(iv) The definitions of above categories of disabilities, for the purpose of age relaxation, will be same as given in this Department's O.M. No. 36035/3/2004-Estt(Reservation) dated 29" December 2005.

(v) If a person with disability is entitled to age concession by virtue of being a Central Government employee, concession to him/her will be admissible either as a 'person with disability' or as a 'Central Government employee' whichever may be more beneficial to him/her. This provision will not apply to the Civil Services Examination, which is governed by the Civil Services Examination Rules, published annually.

(vi) Provisions of this O.M. will not be applicable to a post/service for which other specific provision regarding age relaxation is made by notification."

So it is evident that the applicant with 70% permanent disability can be granted age relaxation.

8. In view of the above and the peculiar condition of the applicant, I find it a fit case for interference and accordingly direct the respondents to consider the case of the applicant for grant of compassionate appointment within a period of three months from the date of receipt of a certified copy of this order. While doing so, the disability of the applicant, the special laws for persons with disability and the concessions / relaxations granted to them shall be kept in mind.

9. With the above observations and directions, the present Original Application is allowed. No order as to costs.