

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD

Dated: This 14th day of January 2020.

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No. 78 of 2013

1. Smt. Beena Devi Pal wife of Late Ram Swaroop Pal
2. Km. Neha Pal daughter of late Ram Swaroop Pal
Both resident of 38, Dashrath Kunj, Rajeshwar Mandir, Rajpur Chungi, Rajpur, District Agra.

.....Applicants

By Advocate: Shri Mukesh Kumar

Versus

1. Union of India Ministry of Communication Department of Post and Telegraph, New Delhi.
2. Chief Post Master General, U.P Lucknow.
3. The Assistant Director (Employment) office of Postmortem General, U.P Region, Lucknow.
4. The Senior Superintendent Railway Mail Service (RMS) Agra.
5. Post Master General, Agra Region Agra.

.....Respondents

By Advocate: Shri Rakesh Kumar Srivastava

ORDER

1. In the present O.A., applicants Beena Devi and her daughter Neha Pal seeks the following reliefs:-

"(I) Issued order, or direction in the nature of certiorari for quash the order dated 07.05.2012 passed by the respondent No. 4.

(II) Issued order, or direction in the nature of mandamus commanding the respondents to direct the respondents to appoint the applicant No.2 on the basis of compensate ground in place of missing son of the applicant No.1.

(III) Issue a writ order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

(IV) Award cost of this petition in favour of the applicants".

2. Case of applicants Beena Devi (wife) and her Neha Pal (daughter) of Ram Swaroop Pal is that said Ram Swaroop while working in the respondent-department expired on 13.02.2000 leaving behind a wife and four daughters and one son (Jitendra). Applicant No.1 filed an application in the department for appointment of her son on compassionate grounds. That Jitendra was appointed as driver on compassionate grounds vide order dated 16.11.2011 but that Jitendra left the house without informing anyone. Therefore, applicant No. 1 filed an application on 25.11.2011 for appointment of her daughter Neha in place of Jitendra which was rejected by respondents vide order dated 07.05.2012. Hence the present O.A.

3. The stand of respondents in their counter affidavit is that appointment order dated 29.01.2010 and training order dated 16.11.2011 in the Postman cadre were issued in favour of Jitendra son of applicant but that said Jitendra did not turn and applicant No. 1 filed application dated 25.11.2011 for transfer of the compassionate appointment in name of her daughter (applicant No. 2) and the same was rejected vide impugned order dated 07.05.2012 on the ground that as per the Clause 15 (b) of Directorate Memo No. 14014/6/94-Estt (D) dated 09.10.1998, the request of applicant could not be accepted.

4. I have heard and considered the arguments of the learned counsel for the parties and gone through the material on record. During the arguments, learned counsel have reiterated the pleas raised by them in their pleadings.

5. Reference may be made to clause 15 (b) of Scheme for "Compassionate Appointment under Central Government" issued vide O.M. No. 14014/6/94- Estt (D) dated 09.10.1998 issued by DoPT which reads as under:

"Request for change in post/person

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which lead to such appointment, should be deemed to have ceased to exist. Therefore, -

-

- (a) XX XX XX
- (b) ***an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on consideration of compassion should invariably be rejected."***

6. So, as per Clause 15, on appointment of Jitendra son of applicant, ground of appointment on compassionate grounds ceased to exist and therefore, as per, sub-clause (b) the appointment made on compassionate grounds cannot be transferred to any other person and any such transfer request on compassionate ground is necessarily to be rejected. The respondents have no choice but to follow the mandate of said Rule.

7. In view of the facts and circumstances of the case, the O.A. being meritless is dismissed. No costs.

(RAKESH SAGAR JAIN)

MEMBER (J)

Manish/-