

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 24TH day of **DECEMBER, 2019**.

**DELAY CONDONATION APPLICATION NO. 330/770/2018
IN
ORIGINAL APPLICATION NO. 330/351/2018**

HON'BLE MRS JUSTICE VIJAY LAKSHMI, MEMBER (J)

1. Akshay Kumar son of Late Shri Darshan Lal, Presently residing at Ward No. 15, Saraswati Nagar, Khekra, District-Bagpat.
.....Applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Communications (Department of Posts), New Delhi.
2. The Post Master General, Bareilly Region, Bareilly.
3. Senior Superintendent of Post Offices, Moradabad Division, Moradabad.
4. Senior Post Master, Moradabad.
.....Respondents

Advocate for the Applicant : Shri Raj Kumar Singh

Advocate for the Respondents : Shri Rajeshwar Singh

ORDER

Heard Shri Raj Kumar Singh, learned counsel for the applicant and Shri Rajeshwar Singh, learned counsel for the respondents on delay condonation application and perused the record.

2. Learned counsel for the applicant submits that the applicant being a poor and illiterate widow sought compassionate appointment for her son in place of her deceased husband with some delay because at the time of death of her husband her son was minor. Therefore, she waited till her son became major i.e., till four and a half years and thereafter moved an application for appointment of her son on compassionate ground. Learned counsel for the applicant further submits that no order has been passed on the application moved by the applicant and the same is still pending with the respondents. Hence, there is no delay on part of the applicant in filing the OA. However, if there is any delay on part of the applicant, it is not deliberate and the same may be condoned.

3. Learned counsel for the respondents has raised objection by drawing the attention of this Bench to letter dated 20.09.2019 issued by Senior Post Master where by the applicant's son was asked to submit some documents. Learned counsel for the respondents contends that due to the reason that no documents were supplied by the applicant, the department could not pass any order on the application/representation.

4. To the contrary, learned counsel for the applicant has submitted that the applicant has already supplied all the documents as required by the Senior Post Master.

5. Considering the facts and circumstances of the case, the delay in filing the OA deserves to be condoned. Accordingly, delay condonation application is allowed and the delay in filing the OA is condoned.

6. At this stage learned counsel for the applicant submits that though the pleadings are complete in this OA, the applicant will be satisfied if the respondent no. 3 i.e. Senior Superintendent of Post Offices/Competent Authority is directed to pass a reasoned and speaking order on the pending representation of the applicant within a time bound manner.

7. In view of the facts and circumstances of the case and the limited prayer made by the learned counsel for the applicant at this stage, no purpose is going to be served in keeping this matter pending. The OA is disposed of directing the applicant to move a fresh representation along with copy of this order annexing all the documents asked by Senior Post Master vide his letter dated 20.09.2019, within a period of 10 days. The respondent no. 3 i.e., Senior Superintendent of Post Offices/Competent Authority is directed to pass a well reasoned and speaking order on the said representation within a period of one month from the date of receipt of such representation.

8. With the aforesaid direction, the OA is disposed of. It is made clear that I have not entered into the merits of the case. No order as to cost.

9. Copy of the order be given dasti to counsel for the parties.

(JUSTICE VIJAY LAKSHMI)
MEMBER-J