

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO: 302/2001

This the 4th day of October, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Smt. Dropudi Devi
W/o Late Sh. Baboo Lal Sharma
Retired EO Packer Shargarh,
Mathura.
2. Sh. Durga Prasad Sharma
S/o Sh. Baboo Lal Sharma

Residential Address

Village and P.O. - ~~Serwa~~,
Distt. Mathura (U.P)

.... Applicants

(By Advocate: Sh. D.P.Sharma)

Versus

1. Union of India
Through Secretary,
Ministry of Communication,
Department of Posts, New Delhi.
2. The Chief Postmaster General
U.P. Circle Lucknow.
3. The Sr. Supdt. Post Offices,
Mathura Division, Mathura.
4. The Asstt. Supdt., Post Offices,
West Sub Division, Mathura.

(By Advocate: Sh. N.S.Mehta)

O R D E R (OPAL)

By Sh. Kuldip Singh, Member (J)

Applicant No.2 Durga Prasad is the son of Late Sh. Baboo Lal Sharma who stated to have been invalidated while in service and whose services have been terminated w.e.f. 31.10.2002 on medical grounds since he had become invalidated. Applicant thereafter applied for appointment on compassionate grounds. Since service of his father has been terminated on medical grounds, his termination was rejected vide Annexure A-1 on the ground that there is no provision of compassionate appointment to the invalidated retired extra departmental employees. Applicant has challenged Annexure A-1 on the

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ground that under the scheme of compassionate appointment vide letter dated 4.8.80 followed by subsequent amendments dated 5.8.93 and submitted that he is entitled for compassionate appointment but respondents have wrongly, illegally and arbitrarily rejected his claim.

2. OA is being contested by the respondents. Sh. N.S.Mehta appearing for the respondents submitted that this scheme for compassionate appointment has been subsequently modified vide Annexure R-6 dated 21.5.92 wherein it is mentioned:

"Having regard to all the relevant considerations, it is felt that it would not be desirable to extend the scope for compassionate appointments to cover the dependents/near relatives of the invlidated EDAs."

3. Besides that counsel for applicant also invited my attention to Annexure R-10 which is another office memorandum dated 16.3.2001 issued by Govt. of India, Ministry of Personnel Public Grievances and Pensions wherein it has been reiterated as under:

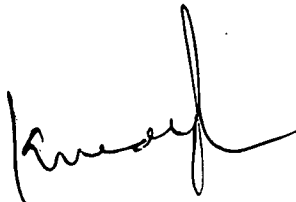
"However, there is no scope to extend the scheme of compassionate appointment to ED Agents who are prematurely retired/discharge on medical grounds."

4. Learned counsel appearing for the respondents submitted that since the scheme does not cover the medically discharged ED Agents and since the deceased was also working as ED Agent and has been medically discharged so the scheme for grant of



compassionate appointment on medical grounds is not applicable to the dependents of the deceased Baboo Lal Sharma who has expired during the pendency of the OA.

5. Counsel for respondents has taken another objection that the enquiry is conducted by the department and found that applicant was not in penury condition and is employed elsewhere and as per Annexure R-11/1, the statement of one Khemchand Aggarwal, ED Shergarh has been recorded who stated that he is Postman in Shergarh and he often goes to deliver the post of Shivoharan Lal Vidyadevi Bal Vidyalaya and he has found Sh. Durga Prasad Sharma, applicant No.2 working as a teacher in the said school. Thus, it shows that the applicant is gainfully employed in his school so it is not a case of any penury condition prevailing in the OA. So I find that OA has no merits and the same is dismissed.



(KULDIP SINGH)
Member (J)

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