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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA 1825/99

New Delhi this the 10th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

1. Radha Ballabh-II  
S/O Late Chiranjil Lal  
Retired Postal Asstt.  
Sukh Sancharak, P.O. Mathura  
C/O Sh. Deen Dayal S/O Shri Nanney  
Ram Dayal H.No. 7-J/1, Amritpuri,  
Garhi Lajpatnagar, New Delhi.
2. Satya Prakash S/O Sh. Radha  
Ballabh-II,  
C/O Sh. Deen Dayal S/O Sh. Nanney  
Ram Dayal, H.No. 7 J/1, Amritpuri,  
Garhi Lajpatnagar, New Delhi.

... Applicants

(By Advocate Shri D.P. Sharma )

Versus

1. Union of India, through  
Secretary,  
Ministry of Communication,  
Department of Posts, New Delhi.
2. The Chief Post Master General,  
U.P. Circle-Lucknow.
3. The Post Master General,  
Agra Region, Agra.
4. The Senior Supdt. Post Offices,  
Mathura Division, Mathura.

... Respondents

(By Advocate Sh. Gajender Giri )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Applicant 2 seeks a direction to the respondents to appoint him as Postal Assistant(PA) on compassionate grounds immediately.

2. The brief relevant facts of the case are that applicant No. 1, who was working with the respondents was medically declared unfit for Govt. duties w.e.f. 9.12.1992. Thereafter the representation of <sup>B</sup> applicant 1 for appointment of applicant 2 on compassionate grounds has been considered by the respondents and allowed. From the reply filed by the respondents it is seen that the name of applicant 2 is placed at Serial No. 4 among the candidates who have been approved for recruitment in PA cadre which

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has been allotted to Mathura Postal Division since 1996 by CPMG Up Circle, Lucknow.

3. Shri D.P.Sharma, learned counsel for the applicant has submitted that even though the respondents have in their own averments approved the recruitment of the applicant ~~as~~ PA cadre and stands allotted to Mathura Postal Division in 1996 but nothing has been done by way of appointment. He relies on para 7(e) of the Govt. of India, Department of Personnel and Training OM dated 9.10.1998 (Annexure I) to the rejoinder. He has submitted that the respondents ought to appoint ~~the~~ applicant 2 in any suitable vacancy in any other department also in terms of the aforesaid OM which has not been done by the respondents so far. Learned counsel for the respondents has submitted that there is a list of seven candidates who have been approved for recruitment in PA cadre, the candidate appearing at Sl.No.1 has since been appointed and applicant 2 shall also be appointed in due course in turn. According to him, there is no merit in this application and he has prayed that the same may be dismissed. He has also submitted that applicant 2 is also not in ~~a~~ financial hardship because he is enjoying the benefits of the pensionary amount being paid to applicant No.1 on his retirement on medical grounds.

4. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. Para 7(e) of the DOP&T OM dated 9.10.1998 provides, inter-alia, that if sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the Administrative Ministry/ Department/Office to take up the matter with other Ministries/ Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list.

6. The provisions of the aforesaid OM appears to be fully applicable to the facts of the present case. Admittedly, the name of applicant 2 is on the waiting list of approved candidates for recruitment in PA cadre on compassionate grounds at Sl.No.4 or

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perhaps No.3 as of now. However, it is relevant to note that he has been approved as far back as in 1997( 8.8.97) and we are now in April, 2000 and the respondents have not been able to categorically state even now the approximate time when the applicant will find the berth in furtherance of the aforesaid OM dated 9.10.1998.

7. In the above facts and circumstances of the case, the OA is disposed of with a direction to respondent 2 to carry out the further exercise as provided in the aforesaid OM dated 9.10.98, that is to explore the possibility with other Ministries/Departments/Offices so that the applicant and others above him may be accommodated in any suitable department or office on compassionate grounds. During the hearing, the learned counsel for the applicant has also submitted that the applicant is willing and ready to be considered for appointment on compassionate grounds in any Department/Office even outside Delhi, but preferably near Delhi. The respondents shall take necessary action within four months from the date of receipt of a copy of this order. No order as to costs.

*Lakshmi Swaminathan*

(Smt.Lakshmi Swaminathan )

Member (J)

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