

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

This Thursday, the **03rd** day of **December**, 2020

Original Application No. 330/00683/2020

Hon'ble Mr. Devendra Chaudhry, Member (Administrative)

Upasana Devi aged about 31 years, W/o of late Subhash Singh R/o Village and Post Tanda Sahuwala Via Barhapur, District Bijnor.

...Applicant

V E R S U S

1. Union of India through its Secretary, Ministry of Communication (P&T) Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Supdt. Of Post Offices, Bijnor East Division, Bijnor.

...Respondents

Advocate for the applicant : **Shri B.N Singh/**
Smt. Shyama Singh.

Advocate for the respondents: **Shri Chakrapani Vatsayan**

O R D E R

Heard Mr. B.N Singh, learned counsel for the applicant and Mr. Chakrapani Vatsayan, learned counsel for the respondents, both are present in court. Hearing conducted through Video Conferencing.

The learned counsel for the parties agreed that the audio and visual quality is proper.

2. Heard on the point of admission and perused the records available in PDF.

3. Learned counsel for the applicant has submitted that there is representation dated 18.08.2020 (Annexure A-10) as per which the decision regarding the compassionate appointment is to take place. Further that the respondents are applying wrong law and guidelines with respect to the compassionate appointment, which is the reason same had been rejected vide order dated 08th March 2019.

4. Learned counsel for the applicant has submitted that the Hon'ble Apex Court in the matter "**Canara Bank Vs. M. Mahesh Kumar (SCC 2015 Volume 7 page 412)**" had observed regarding the matter in which the benefit was given as per the applicable GO concerning the vacancy. Learned counsel for the applicant has further submitted that the aforesaid judgment may be considered while deciding the representation in a reasoned and speaking manner.

5. In the interest of justice, it is accordingly directed that the respondent No. 2/competent authority shall decide the representation dated 18.8.2020 with a reasoned and speaking order keeping in light the judgment and order of Hon'ble Apex Court in the matter of Canara Bank Vs. M. Mahesh Kumar (supra). The representation shall be decided within a period of six weeks from the date of receipt of a certified copy of this order.

6. With the above observations, the O.A. is disposed of. No order as to costs.

7. It is made clear that no comments have been passed on the merits of the case.

8. Certified copy of the order may be provided to the learned counsel for the parties

**(Devendra Chaudhry
Member (Administrative)**

/Manish/-