

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Dated : This the 06<sup>th</sup> day of November 2020

**Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)**

**Original Application No. 330/00992/2019**

Prashant Yadav, aged about 22 years, S/o late Narendra Singh Yadav,  
R/o Village & Post – Nai Basti Bhoti, Jalalabad, District - Shahjahanpur.

. . .Applicant

By Adv : Shri Bhagirathi Tiwari

**V E R S U S**

1. Union of India through Secreary, Ministry of Communication, Deptt. of Postal, Dak Bhawan, Sanshad Marg, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Bareilly Region, Bareilly.
4. Sr. Superintendent of Post Offices, Shahjahanpur Division.

. . .Respondents

By Adv: Shri M.K. Sharma

**ORDER**

Heard Shri Bhagirathi Tiwari, learned counsel for the applicant and Shri M.K.Sharma, learned counsel, for the respondents and perused the records.

2. Learned counsel for the applicant submits that although in this case, earlier counter reply was called by the Tribunal. However, as the order sheet itself shows that despite warning of last and final opportunity, the respondents have not yet filed counter reply and today, learned counsel for the respondents has again sought adjournment.

3. Learned counsel for the applicant further submitted that the matter pertains to the compassionate appointment. The applicant is an indigent and poor person seeking compassionate appointment, who is suffering on account of the delay in final disposal of the OA.

4. Attention of this Tribunal has been drawn to a circular of DOPT dated 05.05.2003, to plead that the case of the applicant for

compassionate appointment should have been considered three times and should have been atleast kept pending for one year whereas, in the present case, the application of the applicant has been rejected by the impugned order after considering his case only once, without keeping in view the aforementioned circular dated 05.05.2003.

5. Learned counsel has further submitted that the applicant is not in a position to litigate this matter any further and at this stage he will be satisfied, if a direction is issued to the respondents to consider his case in the light of DOPT circular dated 05.05.2003 and also in the light of policy for compassionate appointment in a time bound manner.

6. Learned counsel for the respondents has objected the contention of the applicant' counsel by contending that there is no such hard and fast rule that the case of a person seeking compassionate appointment should be considered three times, instead the circular provides that the case of a candidate seeking compassionate appointment, may be kept pending for consideration to a maximum of three years under certain conditions.

7. Having considered the rival submissions of learned counsel for the parties and in view of the limited prayer made by the learned counsel for the applicant, it appears that no useful purpose will be served in keeping this OA pending and it is disposed of finally with the direction to the respondents or the competent authority amongst the respondents, to consider the case of the applicant for compassionate appointment in accordance with the provisions of DOPT circular dated 05.05.2003, keeping also in view, the policy for compassionate appointment and to pass a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order, under intimation to the applicant without any delay.

8. There will be no order as to costs.

9. It is made clear that no opinion has been expressed on merits of the case.

**(Justice Vijay Lakshmi)**  
Member (J)

Anand...