

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 20th day of December 2000.

Original Application no. 1153 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Pushpendrapal Singh, S/o Late S.R. Singh,  
R/o Dhana Jeevana Post Office Dhana Jeevana,  
via Farah Tehsil & District Mathura.

... Applicant

C/A Shri S. Goswami

Versus

1. Chief Post Master General Uttar Pradesh,  
Region, Lucknow.
2. Asstt. Director (Recruitment) Office of Post  
Master General, Lucknow.

... Respondents

C/Rs.Km. Sadhana Srivastava

O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

As per applicant's case his father died  
on 10.7.95 while he was in service as Branch Post  
Master Extra Departmental (BPMED) Dhana Jeevana,  
Distt. Mathura. The applicant moved for appointment

...2/-

*[Signature]*



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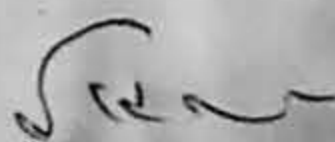
on compassionate ground and in the meantime the charge of post office was made over to him by the overseer of the department. The matter of his compassionate appointment was processed for which he provided official information, but his prayer has been rejected by respondent no. 2 vide order dated 17.10.96 which has been impugned in this OA, mainly on the ground that his family condition has not been assessed in right prospective and, therefore, he has filed this OA to get the impugned order quashed and for direction to the respondents to provide him job as regular BPMED.

2. The respondents have contested the case and filed CA.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. The only question involved in the matter is as to whether the condition of the family of the deceased employee is in indigent ( देनीय ) or not. If it is yes, the applicant has to be provided with compassionate appointment otherwise his entitlement ~~gets~~ <sup>suffers</sup>.

5. Perusal of impugned order leads to a conclusion that it is quite incomplete which ends with the mention that the reasons are being provided, but no reasons given therein.



...3/-



6. Learned counsel for the respondents referred to order dated 12.3.98 which is said to have been passed by Asstt. Director General (Trg.) on the representation of the applicant which provides the reasons for rejection of applicant's case. According to this order, the applicant was not found entitled on the ground that the family of the deceased is in possession of landed property from which annual income, as per certificate issued by D.M. Mathura on 23.6.97, is Rs. 24,000/- p.a. and the second son of the deceased is gainfully employed. It has also been mentioned that a sum of Rs. 2,200/- has been paid as ex-gratia gratuity and, therefore, the High Power Committee found no justification for appointing the applicant on compassionate ground. Learned counsel for the applicant assailed this order on the ground that conclusion drawn out of contention as mentioned therein is not sustainable because even if it is taken to be true that there is income of Rs. 24,000/- p.a. from the landed property it is for five sons and a widow i.e. six heads with the resultant amount of Rs. 4,000/- per capita p.a. which cannot <sup>be</sup> said to be sufficient even to cater the bare necessity of any person.

7. Keeping in view the facts and circumstances of the matter I find, it deserves the 2nd thought from the departmental authority and, therefore being decided with the direction that in case the applicant

*See*



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makes a fresh representation within 2 months, the same be decided by competent authority in the respondents establishment within four months, thereafter, by passing detailed, reasoned and speaking order with copy to the applicant. In case any cause of action arises out of that order, the applicant may come up before the Tribunal <sup>by fresh</sup> by fresh O.A.

8. There shall be no order as to costs.

*See annex*  
Member-J

/pc/