

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 21st day of April 1997.

Original Application no. 40 of 1996.

Hon'ble Mr. S. Dayal, Administrative Member.

Panchanan Rai, S/o Sri Maniram Rai, R/o village Banhar (Dihwa) Post: Samshabad, Distt. Azamgarh.

... Applicant.

C/A Sri R.K. Yadav.

Versus

1. Union of India through Secretary, Ministry of Communication Department of Post & Telegraph, New Delhi.
2. Chief Post Master General U.P. Lucknow.
3. Post Master General Gorakhpur, Region Gorakhpur.
4. Senior Superintendent Post Master, Azamgarh.

... Respondents.

C/R Km. Sadhana Srivastava.

O R D E R (Oral)

Hon'ble Mr. S. Dayal, Member-A.

Sri Raj Karan Yadav learned counsel for the applicant have been heard. This is an application for compassionate appointment of the Son in Law of the deceased.

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2. Km. Sadhana Srivastava appeared on behalf of the respondents and presented arguments.

3. The case of the applicant is that Sri Kapil Deo Rai, Dak Sayak, died in harness on 02.07.88, leaving behind his wife Smt. Prari Devi and a daughter. It is stated in the application that the daughter was married before the death of Sri Kapil Deo Rai, Although learned counsel for the applicant is not in a position to mention the date of marriage nor any date has been given in the pleadings, Learned counsel for the applicant states that the OM of Department of Personnel and Training no. 14014/6/86-Estt. (D) dated 30.06.87 provides for employment of near relative of a Government Servant. Since the applicant died in 1988 this provision should have been applied in this case and the applicant should have considered for compassionate appointment. He has also mentioned that one Sri Ram Samuj, Son in Law of late Sri Shiv Das, was appointed in 1993 and the applicant also has similar claim. Learned counsel for the applicant has drawn attention to annexure IV of his application in which the respondents have mentioned that the case of the applicant was not considered because ~~of~~ existing rules have been withdrawn the clause for appointment of near relatives of Government Servant, but he claims that since the applicant had died in 1988, the OM of 30.06.1987 was applicable to him and his case should have been considered under that clause.

4. The case of the applicant would have deserved

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consideration if the application has been made immediately after the death of the employee and was made for one of his dependents. The applicant Sri Panchanan Rai can not be considered ~~for~~ ^{to be} dependent of deceased employee as he was staying at a place other than ^{residence of the} widow of the deceased employee, which is quite clear from the annexure 1. Widow of the deceased employee has been able to sustain ~~herself~~ her self for the period of five ~~years~~ or six years. Till the application for compassionate appointment of ^{in 1993 or 1994.} Son in Law was made for the first time. Learned counsel for the respondent has drawn attention of OM 14014/20/90-Estt (D) dated 09.12.93 in which, persuant to the judgment of the Apex Court, the provision for appointment on Composionate ground of near relative was deleted.

5. I, therefore, find that the relief asked for by the applicant could not be allowed. The application is dismissed.

6. There shall be no order as to costs.


Member-A

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