

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
SITTING AT NAINITAL.

Original Application No. 1217 of 1998
this the 14th day of June 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Virendra Singh Bist, S/o late Sri Chandra Singh Bisht,
R/o Village & Post Kosi, District Almora.

Applicant.

By Advocate : Sri D. Narayan for Sri B.K. Narayan.

Versus.

Union of India through Ministry of Posts & Telegraph,
New Delhi.

2. Chief Post Master General, Uttar Pradesh Pari Mandal,
Lucknow.

Respondents.

By Advocate : Km. S. Srivastava.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant- Virendra Singh Bisht who is son of late Sri Chandra Singh Bisht, has filed this O.A. for quashing the order dated 4.7.1994 and to issue directions to the respondents to appoint him on any suitable post in the Indian Postal Department on compassionate ground under dying in harness Rules.

2. The brief facts of the case are that late Sri Chandra Singh Bisht died on 29.10.1993, while working on the post of Sub-Post Master, Hawalbagh, Almora and was survived by three sons namely the applicant, Niraj Kumar Bisht and Kamlesh Kumar Bisht. It is stated that at the time of death of Sri C. S. Bisht, the applicant and Sri Kamlesh Kumar Bisht were living

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with him and were dependent upon him, while the third son namely Neeraj Kumar Bisht was living separately. The mother of the applicant had already died on 24.6.1990. Since according to the applicant, after the death of his father he alongwith his brother namely Kamlesh Kumar Bisht were left without any source of income being totally dependent upon their father, The applicant had made an application for being provided the compassionate appointment under dying in harness Rules on 16.3.1994. The said application was, however, rejected vide order dated 4.7.1994 by the CPMG, U.P. Circle, Lucknow (respondent no.2). It is claimed that the impugned order was passed without holding any enquiry and affording any opportunity to the applicant of being heard. Aggrieved by the said order, the applicant submitted another representation dated 13.7.1994 before the respondent no.2 through Supdt. of Post Offices, Almora for re-consideration his claim for being appointed on compassionate grounds. The applicant also sent the various reminders on 22.8.95, 22.8.96, 20.6.97 and 22.3.98, but none of the representations has been replied. Hence, he has filed the present O.A.

3. We have heard the arguments of Sri D. Narayan proxy Counsel for Sri B.K. Narayan, learned counsel for the applicant and Km. S. Srivastava, learned counsel for the respondents and have also perused the documents on record.

4. It is an admitted fact that the respondent no.2 has neither considered, nor passed any order on the representation dated 13.7.1994 submitted by the applicant (Annexure-2 to the O.A.). It is also not in dispute that the said representation was forwarded by the Supdt of Post Offices, Almora to CPMG, U.P. Circle, Lucknow. Under the facts and circumstances of the case, we find it appropriate to direct the respondent no.2 namely Chief Post Master General, U.P. Circle, Lucknow, to re-consider the case of the applicant and decide his

representation dated 13.7.1994, which was forwarded by the Supdt. of Post Offices, Almora, within a period of three months from the date of communication of this order, by a reasoned and speaking order.

5. The O.A. stands disposed of as above with no order as to costs.

Ratnayak
MEMBER (J)

Shank
MEMBER (A)

GIRISH/-