

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 3rd day of May 2001.

Original Application No.387 of 2001.

CORAM:-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

Smt. Vimla Devi wife of Late Radhey Shyam Verma,  
Resident of House No. 419, Nai Colony, Jwala Nagar,  
Rampur (U.P.).

(Sri S.P. Pandey, Advocate)

..... .Applicant

Versus

1. Union of India, Indian Post & Telegraphs Department, New Delhi, through Secretary.
2. Chief Post Master General U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Moradabad Division, Moradabad.
4. Post Master District Rampur U.P.

(Sri Pranaya Krishna, Advocate)

..... .Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. SKI Naqvi, J.M.

On the death of Shri Radhey Shyam Verma on 3-7-1996, who was medically decategorised on 16-12-1994, while he was posted as Group 'D' employee in the respondents' establishment at Rampur, The widow of the deceased employee applied for appointment on compassionate ground. Subsequently to which the appointment order was issued on 3-9-1997 and the applicant was appointed in Group 'D' with the

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condition that the applicant would take care of the family of the deceased after appointment. A copy of this order was endorsed to the Post Master, Rampur further emphasising that the applicant be appointed after completing legal formalities including the written undertaking about taking care of the family of deceased postal employee. The applicant joined accordingly. It was to her shock that she was served with a letter dated 28-2-2001 through which she has been removed from service. This order does not contain any reason, for having passed that order, nor any opportunity is said to have been afforded to the applicant. The applicant rushed to the Tribunal seeking order to quash this order dated 28-2-2001. The interim order has also been sought that the operation of this order be stayed.

2. The notices were issued to the respondents to file short counter affidavit, which has been taken on record today wherein it has been mentioned that the applicant was not appointed on compassionate ground, but it was to provide her appointment on the ground of her poor financial condition. It has further been mentioned that her appointment could not be on compassionate ground in view of non-availability of the vacancy under this head.

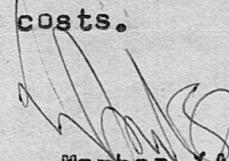
3. Heard counsel for the parties and perused the record.

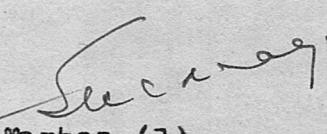
4. Considered the contents of letter of approval for appointment dated 03-9-1997 (Annexure-A-2) as well as the letter dated 20-2-2001 (Annexure-A-3) through which the applicant has been removed from service and also perused the pleadings as have come up from the

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side of respondents. We find that very absurd and unsuccessful efforts have been made to camouflage the realities of appointment on compassionate ground and to give it colour of direct appointment of outsider. There is specifically mentioned in the letter of approval for appointment (Annexure-A-2) that the applicant must execute undertaking to take care of dependents of the deceased employee before she is allowed to join as Class IV employee. An undertaking of this nature can only be required where appointment is on compassionate ground and not in any other case of appointment. We also find that there is no mention of any ground in the letter of removal (Annexure-A-3), for which the services of the applicant have been dispensed with, nor any opportunity was given by issue of show cause notice. Thus, the facts and circumstances of the matter indicate that the applicant was appointed on compassionate ground and it was this ground only that the applicant mentioned in her application for the job and <sup>Subsequently</sup> ~~consequently~~ she was removed with the mention that it was a direct appointment as an outsider.

5. For the above, we have no option but to set aside the impugned order of removal (Annexure-A-3) to the OA with all consequential benefits to the applicant. There shall be no order as to costs.

 Member (A)

 Member (J)

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