

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF MAY, 2002

Original Application No.389 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Aditya Narain, son of Shri Jagdish
Prasad, R/o village/post Jamalpur
district Banda.

... Applicant

(By Adv: shri R.K.Tewari)

Versus

1. Union of India through Secretary
(Postal) Ministry of Communication
Dak Bhavan, Sansad Marg, New Delhi.
2. Post Master General, Kanpur Region
Kanpur.
3. Superintendent of Post Offices, Banda
Division, Banda.
4. Nirikshak Dakghar Banda,Uttari
Up-khand, Banda district Banda.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the authorities to allow the applicant to continue as Postman/EDMC in village post office Jamalpur district Banda and treat him as permanent employee. An another direction has also been prayed against the respondents to pay him salary regularly including arrears. By amendment relief no.V was added by which ~~quashing of~~ the circular letter No.14-25/91-ED & Trg dated 29.5.1992 of department of posts, has been sought to be quashed.

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The facts in brief, giving rise to this application are that father of the applicant Jagdish Prasad was appointed as EDMC at village post office Jamalpur on 15.12.1961. In 1997 father of the applicant fell ill seriously. He was hospitalised. On medical check up the ailment diagnosed was survical spontelitis and he was advised complete rest. He was granted leave of three months. He applied for further leave which was sanctioned. Father of the applicant ultimately ^{was} rendered incapable to discharge the duties of EDMC. He made an application before respondents to appoint applicant on compassionate ground. The necessary medical certificates dated 14.11.1997 of C.M.O.Banda was also filed showing that he has been rendered disabled. In absence of father, applicant was allowed to discharge the duties of EDMC though no formal appointment letter was issued. Applicant started working from 24.11.1997 and continued to work till 31.12.1998. Then after a short break applicant was again appointed on 3.8.1999. He continued to work till 31.12.1999 when he was again stopped to work. From 29.1.00 again applicant was allowed to work on the post. He continued till 9.10.2000.

The respondents though appreciated the difficulties faced by the family of the applicant on account of disability of his father, they were sympathetic but they refused to make appointment in view of the circular letter No.14-25/91-ED & Trg (Annexure CA-II) by which the authorities were directed not to extend the scope of compassionate appointment to cover the dependents or near relatives of the invalidated EDAs.

Learned counsel for the applicant has placed before us the judgment of Full Bench of Ernakulam Bench of this Tribunal in a case of 'K.Jayaraghavan Vs. Union of India & Ors 2002(1) ATJ pg 205. The questions referred to the Full Bench were as under:-

i) Whether letter No.14-25/91-ED & Trg dated 10.5.92
of the Assistant
whether the benefit of the scheme of employment
assistance on compassionate grounds is available

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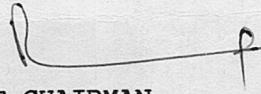
to the dependents/near relatives of ED Agents discharged prematurely on medical invalidation; and

(ii) Whether letter No.14-25/91-ED & TRG dated 29.5.92 of the Assistant Director General(Trg),Dak Bhavan, New Delhi is liable to be set aside as arbitrary and unreasonable."

The Full Bench after detailed consideration answered ~~on~~ both the questions in affirmative and held that circular letter dated 29.5.92 referred above is arbitrary and unreasonable. The Full Bench also held that the benefit of scheme of employment assistance on compassionate ground is available to near relatives of the ED Agents discharged prematurely or medically invalidated. In view of the aforesaid judgment in our opinion, applicant is entitled for relief.

For the reasons stated above, this OA IS ALLOWED. The respondents are directed to consider the claim of the applicant for appointment as EDMC ^{on} compassionate ground expeditiously, in any case within a period of three months from the date a copy of this order is filed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 8th May, 2002

Uv/