

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

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(THIS THE 6<sup>th</sup> DAY OF January 2010)

**Present**

**Hon'ble Mr. Justice A.K. Yog, Member (J)**

**Hon'ble S.N. Shukla, Member (A)**

**Original Application No. 414 of 2001**

(U/S 19, Administrative Tribunal Act, 1985)

Smt. Poonam Singh W/o Late Ravi Pratap, Resident of Bakipur, Post Swthwal, Distrit Azamgarh.

..... *Applicant*

By Advocate : Shri O.P. Rai

***Versus***

1. Union of India through Secretary Ministry of Post, New Delhi.
2. Superintendent Post Offices, Azamgarh.
3. Sub-Divisional Inspector, Phoolpur Sub Division, Azamgarh.

..... *Respondents*

By Advocate : Shri R. D. Tiwari

**ORDER**

**(Delivered by: Justice A.K. Yog, Member-J)**

Heard learned counsel for the applicant and Learned Additional Standing Counsel (GOI).

2. The present OA was filed by one Ravi Pratap seeking following relief/s vide Para-8 of the OA:-

- (a) Issue a writ, order or direction in the nature of certiorari quashing the advertisement dated 14.02.2001 (Annexure-III)





- (b) *Issue a writ, order or direction in the nature of mandamus directing the respondents to regularize the service of the petitioner.*
- (c) *Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under facts and circumstances of the case.*
- (d) *Award the cost of the suit of the petitioner.*

3. Said Ravi Pratap died on 12.06.2008 leaving behind his wife (Poonam Singh) and two minor sons (Aswani Pratap Singh and Harsh Pratap Singh). The wife of Ravi Pratap filed MA (Substitution Application) No.1765 of 2009, and was brought on record as legal representative and heirs of Ravi Prata (Applicant in OA).

4. It shall not be out of place to refer to the pleadings relevant in the present OA contained in Para 4 (iii), which reads:-

*"(iii) That the work and conduct of the petitioner quite good and satisfactory and he is fully qualified to be appointed on regular basis."*

From the above it is clear that there is nothing on record that the applicant was regularized under relevant Rules of the department. The pleadings is only to note that the applicant was entitled for regularization.

5. As the records stands brought before us, it is not possible for us to adjudicate and it is either finding on the issue whether the applicant (Ravi Pratap) should be treated and deemed to be a regular employee to the Department, so as to confirm Compassionate appointment of his wife/son (as the case may be) under relevant Compassionate Rules of the Department.

6. From the above, we find that relief in respect to advertisement has become rendered infructuous. As far as the other relief regarding issue a writ of mandamus directing the respondent to regularize the

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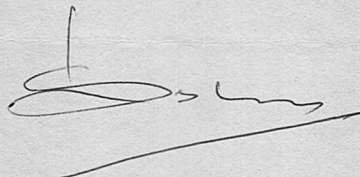


service of the petitioner is concerned, we find that applicant never approached the concerned authority nor she has any decision of the authority on this issue.

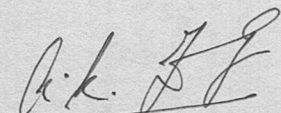
7. In the facts and circumstances, it become relevant and also on significance from the point of view of the legal representative of deceased employee that he enjoyed status of regular employee or not. Since the decision of this issue will decide the right of claiming Compassionate Appointment as far as wife of deceased employee is concerned.

8. In view of the above and taking into account all the attending circumstances of the case, we direct Smt. Poonam Singh (wife of deceased employee/applicant in the OA) to file a comprehensive parawise representation alongwith a copy of the O.A. (both compilation-I & II) before respondent No.2/Superintendent Post Offices, Azamgarh within six weeks from today claiming status of her husband (while he was alive) i.e. whether, he could be treated as a regular employee of the Department or not before he died, and the said authority shall, (provided certified copy of this order is filed as stipulated and contemplated above), decide said Representation within two months of receipt of certified copy of the order (as indicated above). Decision taken shall be communicated to the applicant forthwith.

9. The OA stands partly allowed by moulding the relief to the extent indicated above.



**Member-A**



**Member-J**

Sushil