

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 547 of 2001

Allahabad this the 28th day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member(J)

Bhupendra Kumar Son of Shri Kedari R/o Village
Ganeshpur Post Office Ganeshpur, District Etah
Applicant

By Advocate Shri R.N. Sharma

Versus

1. Superintendent of Post Office, Etah.
2. Sub Divisional Inspector (Postal) West Sub-Division, Etah.
3. Branch Post Master, Post Office Ganeshpur, District Etah.
4. Union of India through Secretary, Ministry of Post and Telegraph, New Delhi.

Respondents

By Advocate Shri R.C. Joshi

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member(J)

The applicant has come up seeking relief to the effect that the respondents be directed to appoint the applicant on the post of E.D.D.A. in the Branch Post Office Ganeshpur, District Etah under dying in harness rule and also to quash the order dated 15.2.2001 passed by respondent no.1, copy of which has been annexed as annexure-1 to the

O.A.

S.C.W.
...pg.2/-

2. As per applicant's case Shri Gang Deo Sharma died in harness on 19.11.2000 leaving behind him the applicant as sole dependent. It has been mentioned that Late Shri Gang Deo Sharma did not marry and took the applicant, being his nephew, as his son, ^{Managed} for his brought up and ^{will} also executing a ^{will} ~~bill~~ in his favour on 13.2.1996, copy of which has been annexed as annexure-2 to the O.A. On the death of Shri Gang Deo Sharma, the applicant became orphan for all practical purposes and without any source of income, therefore, he applied for appointment on compassionate ground, but the same has been rejected on the ground that the nephew of deceased employee is not entitled to any benefit by way of appointment on compassionate ground, copy of this letter dated 15.2.2001 has been annexed as annexure-1 to the O.A.

3. It is quite evident from the facts and circumstances of the matter that the applicant is only a nephew to the deceased employee and through ^{will} the ^{will} ~~bill~~ executed by the deceased employee, he became entitled to all moveable and immoveable properties left by his deceased uncle, which includes agricultural land, house building, cash, insurance amount, bank balance as well as the other moveable house hold effect and also the after death settlements of the deceased employee. Under the circumstances, the applicant is not entitled to the relief sought, ^{his being nephew to deceased employee,} not only the ground that being ~~involved~~ nephew his

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case is not worth to be considered for the claim as made, but also on the ground that he is not in such a distress that he be provided appointment on compassionate ground. The O.A. is dismissed accordingly. No order as to costs.

See x

Member (J)

/M.M./