

*Reserved*  
(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH**  
**ALLAHABAD**

(THIS THE 5 DAY OF June 2009)

**Present**  
**Hon'ble Mrs. Manjulika Gautam, Member (A)**

**ORIGINAL APPLICATION No. 1174 Of 2004**  
(U/S 19, Administrative Tribunal Act, 1985)

Umesh Singh, aged about  
28 years S/o Late Shri  
Sarv Chand Singh R/o  
Village & P.O. Pachori  
District-Ghaziabad.

.....Applicant.

By Advocate: Sri Rakesh Verma.

**VERSUS**

1. Union of India through  
the Secretary, Ministry  
of Communication ( Department  
of Posts), North Block,  
New Delhi.
2. The Chief Post Master General,  
U.P. Circle (East), Lucknow.
3. The Superintendent of Post  
Offices, Ghazipur Division,  
Ghazipur.

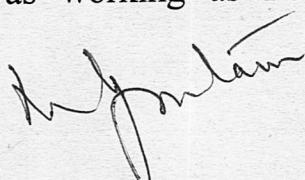
..... Respondents.

By Advocate: Shri S. C. Mishra

**ORDER**

**(Delivered By : Mrs. Manjulika Gautam, Member-A)**

This is a matter of compassionate appointment. Father of the  
applicant who was working as Post Master Gahmar District



Ghazipur died in harness on 15.3.2002 leaving 5 dependents namely his widow and 4 sons. The applicant who was the eldest son aged about 23 years at the time of his father death, with the consent of his brother and son made a request for appointment on compassionate grounds.

2. His claim was rejected vide impugned of order dated 3.6.2004 placed at Annexure A-1/Compilation-1. Aggrieved by this order the applicant filed this OA claiming the following reliefs

:-

- (i) *To issue a writ, order or direction in the nature of Certiorari quashing impugned order dated 3.6.2004 passed by the respondent No. 3 communicating rejection of the Circle Relaxation Committee vide its letter dated 31.5.2004 issued by the respondent No. 2 (Annexure-A-I).*
- (ii) *To issue a writ, order or direction in the nature of Mandamus directing the respondent No. 2 to reconsider the case of the petitioner afresh and to appoint him on any suitable post on compassionate ground in case he is found fit within a period as may be stipulated by this Hon'ble Tribunal.*
- (iii) *To issue any other suitable writ, order or direction in the facts and circumstances of the case which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*
- (iv) *To award cost of the petition.*

*W. S. Agarwal*

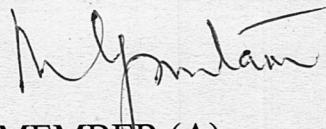
3. The case of the applicant is that the Circle Relaxation Committee has not considered the correct financial status of his family and that the impugned order is a non speaking, general order which does not clarify on which ground the applicant's cases has been rejected. Counsel for the applicant has referred to OA 1174/04 dated 25 May 07, which is a similar matter, when the non-speaking order was quashed with direction the pass fresh speaking orders.

4. The Respondent however, in the counter affidavit have stated that all cases of compassionate appointment are considered as the Circle Relaxation Committed in accordance with the scheme circulated by the Deptt. of Personnel Training vide OM dated 9.10.1998. The counter affidavit states that in compassionate matters the Circular Relation Committed assesses every case for appointment and makes its recommendations. A perusal of the impugned order shows that the case has been considered by the Circular Relaxation Committee in the light of all the relevant rules and provisions. The order clarifies that on the basis of various factors like liability of the family, education of minor children, marriage of daughters, prolonged and major ailments, responsibility of aged

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parents as well as inter-se consideration of all other cases and the prescribed ceiling, the committee has not recommended the case of the applicant.

5. In view of the above, I see no reason for interfering in the above order. OA is accordingly dismissed. No costs.



MEMBER (A)

/S.Verma//