

OPEN COURT

Central Administrative Tribunal Allahabad Bench  
Allahabad.

Allahabad This The 14<sup>th</sup> Day Of October, 2008.

ORIGINAL APPLICATION NO. 298 OF 2004.

Present:

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

Smt. Bittan Devi aged about 35 years, wife of late  
Shri Awadh Kishore Yadav R/o Village Dakore  
District Jalaun.

.....Applicant

By Advocate: S/Shri R.S. Yadav/R.K. Saxena.

Versus

1. Union of India through Secretary, Ministry Post and Telegraph, Chief Post Master General U.P. Lucknow.
2. Post Master General, Agra Division, Agra.
3. Senior Superintendent of Post Offices, Jhansi Division, Jhansi.
4. Sub Post Master, Sub Post Office, Dakore District, Jalaun.

.....Respondents

By Advocate: Shri S.C. Mishra.

O R D E R

Heard Shri R.S. Yadav, Advocate, appearing for the Applicant and Shri S.N. Mishra, Senior Central Government Standing Counsel appearing for the Respondents.

2. Applicant, Smt. Bittan Devi is the wife of late Awadh Kishore Yadav, an employee of Post Of Telegraph Department. He was engaged as C.P. Chaukidar in Sub Post Office Dakore, District Jalaun vide order dated 22.11.1991/Annexure 1 to the counter affidavit. According to this order, Awadh Kishore Yadav, apart from other persons, were Contingent Paid Employee (C.P) having several continuously for at one year or 240 days in

*Ans*

one year on 29.11.1989. Applicant was, thus granted temporary status as C.P. employee w.e.f. 29.11.1989. It is clearly stated in this order that husband of the applicant was never regularized.

3. The applicant, being wife of deceased employee- Awadh Kishore Yadav, claimed compassionate appointment - which did not materialized. She was, however, given part-time (4 hours per day) at the rate of Rs.1200/- per month to work as Water-man. She also admits to receive Rs.13,000/- lump sum (Refer in para 4.9 of the O.A.,)

4. It is clear on record that the applicant did not pursue her alleged claim of compassionate appointment for about 12 years. In the year 2003, she claims to have issued a legal notice to the respondents (Annexure A-9 to the O.A.)

5. By means of this O.A., applicant seeks to challenge impugned order dated 7.4.1994 (Annexure 6 to the O.A.). Impugned order discloses that 'compassionate appointment' could not be given an heir/dependent of 'deceased employee', who was a C.P-Employees with temporary status. In other words, according to the Respondents compassionate appointment could not be claimed in the case of Awadh Kishore Yadav was not a regular employee.



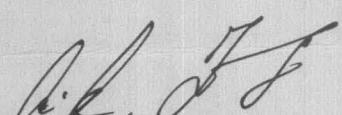
6. According to the applicant, daughter of the applicant was aged 12 years in September 1994 (see Annexure A-7 to the O.A.). It is, therefore, clear that the youngest issue of the deceased employee as on date has attained the age of 26 years. There is nothing on record to show that the Applicant or other dependents of deceased Awadh Kishore Yadav are in distress.

7. It is well settled that compassionate appointment cannot be claimed as a right. Before compassionate appointment is claimed or granted, it has been established that family in question is in distress, which requires immediate imitation, apart from the fact that husband of the applicant was C.P. employee

8. There is no warrant to interfere with the impugned order passed by the respondents.

9. O.A. has no merit, It is accordingly dismissed.

No order as to costs.

  
(Justice A.K. Yog)

Member (J)

Manish/-