

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 760 OF 2004

ALLAHABAD THIS THE 4<sup>th</sup> DAY OF MARCH 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Smt. Kamlesh Devi aged about 35 years  
w/o Late Balram Singh,  
r/o Ladapura (Jyoti Nagri)  
District- Bijnore.

.....Applicant

(By Advocate: Rakesh Verma)

V E R S U S

1. Union of India through Secretary,  
Ministry of Communication,  
Govt. of India  
New Delhi.
2. Superintendent of Post Offices,  
Bijnore Division, Bijnore.
3. Post Master General, Lucknow,  
Lucknow.

.....Respondents

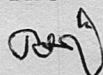
(By Advocate: Shri Saumitra Singh)

O R D E R

By Hon'ble Mr. Justice S. R. Singh, V.C.

Heard counsel for the parties and perused the impugned order dated 20.04.2004 whereby the applicant's claim for compassionate appointment has been rejected.

2. The applicant's husband Shri Balram Singh, a Post Man posted at Head Post Office Bijnore U.P., died in harness on 01.08.1999 leaving behind the applicant, 3 sons and two daughters. The applicant staked her claim for



compassionate appointment which has been rejected vide order impugned herein which reads as under:

*"It is intimated that your appointment case on compassionate grounds was considered by Circle Relaxation Committee under the provisions of DGPT OM 14014/6/95-Estt(D) dated 26.09.1995, 14014/6/94-Estt-DA dated 09.10.1998 and 14014/23/00-Estt(D) dated 03.12.1999 and other instructions issued from time to time on the subject and was not recommended for appointment by the Committee taking into account the liabilities of the family like education of minor children, marriage of daughters, responsibility of aged parents, prolonged and major ailment of a member availability of dependable and secure shelter and financial condition and other relevant factors, after inter-se-consideration of all the cases and also keeping in view the prescribed ceiling for appointment on compassionate grounds".*

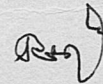
3. It is submitted by learned counsel for the applicant that impugned order suffers from patent illegality in as much as the case of the applicant for compassionate appointment has not been considered in objective manner. All the children of the applicant are minor and the applicant has no means to support the family.

4. Counsel for the respondents on the other hand submits that there has been limited number of vacancies. The Circle Relaxation Committee has to take into consideration the comparative hardships of candidates seeking compassionate appointment. In the order impugned herein, comparative merits of the candidates are not indicated. It is true that according to the order impugned herein the committee did not recommend the case of the applicant for compassionate appointment by taking into account the liability of the family and other factors vis-à-vis other candidates. But as pointed out herein above the order impugned herein does not disclose

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the comparative merits of the candidates who might have been considered by the Circle Relaxation Committee. However, since every candidate seeking compassionate appointment under the rules is required to be considered three times, I am of the view that it would meet the ends of justice if the respondents are directed to consider the applicant's claim for compassionate appointment two times more in case she has not already been considered earlier on three occasions and take appropriate decision by means of a reasoned and speaking order giving details of comparative merits of the candidates considered by the Circle Relaxation Committee. Decision in this regard shall be taken within a period of 3 months from the date of receipt of a copy of this order.

5. The O.A. is disposed of accordingly in terms of the observations made above. No costs.



Vice-Chairman

Shukla/-