

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 25th day of November 2010

Original Application No. 962 of 2004

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

Smt. Sunita Gautam, S/o late Anil Kumar Gautam, C/o Subhas Gautam, 7 Roadways Colony, Loha Mandi, Agra.

..... Applicant

By Advocate: Sri Komal Mehrotra

V E R S U S

1. Union of India thorough the Secretary, Govt. of India, Ministry of Post & Telegraph, New Delhi.
2. Chief Post Master, Post Office, Kanpur.
3. Manager, Mail Motor Service, C/o Post Office, Kanpur.

..... Respondents.

By Advocate: Shri R.D. Tiwari

ORDER

Sri Komal Mehrotra learned counsel for the applicant and Sri M.K. Sharma brief holder of Sri R.D. Tiwari learned counsel for the respondents.

2. This OA is against the impugned order dated 30.07.2002 (Annexure A-9). Vide impugned order the arrears of the applicant was rejected with the following directions:-

".....your case could not find place in the list of candidates approved for appointment on compassionate grounds with in the limited number of vacancies under 58% quota of direct recruitment on the family circumstances of the ex. Official. The family was not found in indigent circumstances in comparison to the cases recommended for appointment on compassionate grounds by C.R.C. with in limited number of vacancies. The family circumstances are as under.

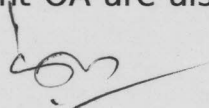
1. *you are the only family member and getting pension @ Rs. 1275+DA. Per month.*
 2. *The terminal benefits are paid Rs. 37468/-"*
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3. It is argued by the learned counsel for the applicant that the order passed by the authorities is cryptic and without considering the merits of the case.

4. Learned counsel for the respondents relies on the counter affidavit and submits that the appointment on compassionate grounds is not a matter of right and that the applicant's case was not considered as falling in the category of indigent circumstances and therefore, after considering by the competent committee her case was not recommended.

5. Heard learned counsel for the parties and perused the pleadings on record. A perusal of the impugned order leaves not doubt that the order is cryptic and devoid of necessary details. Even though appointment on compassionate grounds cannot be claimed as a fundamental right. Yet the basic minimum requirement of all such orders is that they consist of all necessary details. It is, therefore, imperative on the part of the authorities to pass orders indicating (a) Number of vacancies, (b) Number and names of candidates considered for those vacancies, (c) Parameters of evaluation, (d) the exact weightage allowed to each parameter and the total score obtained by each candidate and then the relative position of the applicant in the overall merit list.

6. Learned counsel for the respondents stated that the respondents in the instant OA are also following DOP&T OM



No. 14014/6/94-Estt(D) dated 09.10.1998, No. 14014/23/99-Estt(D) dated 03.12.1999, OM D(Lab) ID No. 19(1)/2000-D(Lab) dated 12.02.2001 on the question of compassionate appointment.

7. In view of the above observations it is considered appropriate to quash and set aside the impugned order dated 30.07.2002 (Annexure A-9) with direction to respondent No. 2 i.e. Chief Post Master, Post Office, Kanpur, himself or through any other competent authority on this behalf, may ensure that the case of the applicant is considered on the next first meeting of the competent committee to be held for this purpose and consider the case of the applicant on the objective parameters as disclosed above and also apprise the result of findings recommendation the committee, through a reasoned and speaking order, as discussed above. It is to be kept in mind that DOP&T OM No. 14014/19/2002-Estt(D) dated 05.05.2003 has been held ultravires to the Constitution by the Hon'ble Allahabad High Court in the case of *Hari Ram Vs. Food Corporation of India and others : 2009 (6) ADJ 90* and also affirmed by Division of Hon'ble Allahabad High Court in *Civil Misc. Writ Petition No. 13102 of 2010 : Union of India and others Vs. Smt. Asha Mishra & Anr* and the applicant's case cannot be closed for the reason of limitation of number of times a case can be considered.

8. The limitation of entry age, if any, will be considered after excluding the time taken between the date of

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impugned order i.e. 30.07.2002 and ending with the date of passing of this order.

9. The OA is disposed of accordingly. No cost.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'C' shape followed by a horizontal line and a small flourish.

Member (A)

/pc/