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RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**ALLAHABAD BENCH: ALLAHABAD.**

ALLAHABAD, THIS THE 27th DAY OF July, 2006.

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.

**ORIGINAL APPLICATION NO.1193 OF 2005.**

Smt. Urmila Ram, aged about 35 years, wife of, Late Mahendra Nath Ram, Resident of, Jakrauli, Post Pradhan Kee Baraji, Tehsil Mohammadabad, District Ghazipur.

..... Applicant.

Counsel for applicant : Shri P. Upadhyay.

Versus

1. Union of India through its Secretary, Ministry of Communication (Postal & Telegraph Department), New Delhi.
2. Chief Post Master General, Madhya Pradesh Circle, Bhopal.
3. Superintendent of Post Office Bastar Division, Juggalpur, Chhattisgarh.

..... Respondents.

Counsel for Respondents : Sri S.C. Mishra.

**ORDER**

HON. MR. A.K. BHATNAGAR, J.M.

By this O.A., filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the Respondent No.2 to appoint the applicant on the post of Group 'D' under the <sup>n</sup> dying-in-harness rules.

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2. The brief facts, giving rise to this O.A., are that the husband of the applicant Mahendra Nath Ram, while working on the post of Postal Assistant in the respondents' establishment, expired on 18.7.1991 leaving behind his widow Smt. Urmila Ram (Applicant), Km. Rinku and Km. Manisha, daughters and one son namely, Manoj Kumar. She submitted an application before the Superintendent of Post Offices, Juggdalpur for grant of family pension and for compassionate appointment. By letter dated 30.7.1992 (Annexure No.2), the Chief Post Master General, Madhya Pradesh, Bhopal directed the applicant to submit the application in a prescribed proforma along with death certificate and proof of educational qualification. She is stated to have submitted the same on 13.8.1992 (Annexure-3).

3. As two ladies, applicant and Smt. Phulmati Nath, were claiming for the retrial benefits as well as family pension, therefore, the respondents asked them to produce the succession certificate from the competent Court. Accordingly, the applicant filed a suit No.03/03 in the Court of Civil Judge (Senior Division), Bastyar, Juggdalpur and the said Court, by its order dated 15.5.2004, held Smt. Urmila Devi (Applicant) as the legally weded wife of Late Mahendra Nath Ram. The certified copy is stated to have been filed before the respondents but no action so far has been taken. Hence, this O.A.

4. The respondents filed the counter, which was followed by a rejoinder reiterating the same facts as given in the O.A. Learned Counsel for the applicant submitted that the name of the applicant as well as her son and daughters are recorded in the service records of the deceased Late Mahendra Nath Ram. It is further contended that in the suit filed before the Civil Judge, the applicant was held the legally wedded wife while the claim of Smt. Phulmati, was rejected. The aforesaid judgment is filed as Annexure-9 to the O.A. The grievance of the applicant is that on the basis of the Judgment of Civil Judge dated 15.5.2004, the family pension and death gratuity etc. have been settled by the department on 22.2.2005 and 1.3.2005 but the case for compassionate appointment of the applicant has still not been decided by the respondents although she has sent her application dated 9.6.1992 and the representation dated 15.6.1997, which are still pending for decision with the respondents. Learned Counsel for the applicant finally submitted that the applicant shall feel satisfied if the representation of the applicant dated 15.6.1997 is decided in the light of the judgment passed by the Civil Judge on 15.5.2004.

5. Learned counsel for the respondents, on the other hand, submitted that facts of this case have almost been admitted in paragraphs 6 and 11 of the counter. It is also admitted by

the respondents in paragraph 4 of the written submissions, filed by the counsel that the final correspondence was made by the department on 8.8.1997 with the applicant for submission of legal succession certificate. The last five lines of paragraph 11 of the counter are reproduced below: -

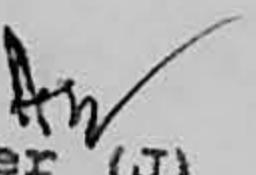
"The proceeding in respect of compassionate appointment was thus stopped to see the decision of the Court for issue of succession certificate. Now the picture is very clear. The Hon'ble Court may kindly direct Smt. Urmila Ram to file her application for the purposes afresh in 5 copies for consideration by the department."

6. I have heard counsel for both the parties and perused the record available before me. The case of the applicant for consideration of compassionate appointment is almost admitted by the respondents in paragraphs 6 and 11 of the counter. After giving my anxious consideration to the submissions made by the counsel I am of the view that the interest of justice shall better be served if the applicant is given liberty to file a fresh application for consideration of compassionate appointment, and the same is decided by the competent authority within a specified period of time.

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7. Accordingly, the O.A. is being finally disposed of by giving a liberty to the applicant to file a fresh application for consideration of compassionate appointment by the respondents, as they desired in paragraph 11 of the C.A., with a further direction to the respondents/competent authority to consider and decide the same by a reasoned and speaking order within a period of three months from the date of receipt of such representation.

There will be no order as to costs.

  
Member (J)

Asthana/