

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

(THIS THE 21<sup>ST</sup> DAY OF JULY, 2010)

PRESENT:

**HON'BLE MR. D. C. LAKHA MEMBER-A**

**ORIGINAL APPLICATION NO. 1421 OF 2005**  
(U/s, 19 Administrative Tribunal Act.1985)

Smt. Sarala W/o Late Shri Anand Sharma, R/o village and  
P.O. Shukra Tal, District Muzaffar Nagar.

.....Applicant

By Advocate: Shri V. Pandey

Versus

1. Union of India through Secretary, Ministry of  
communication Department of Postal Services, New Delhi.
2. Senior Superintendent Postal Services, Muzaffar Nagar  
Division, Muzaffar Nagar.
3. Post Master General, Muzaffar Nagar, District Muzaffar  
Nagar.

..... Respondents

By Advocate: Shri S.M. Mishra.

**ORDER**

**(DELIVERED BY: MR. D. C. LAKHA - MEMBER-A)**

Heard Shri A. Trivedi holding brief of Sri V. Pandey learned  
counsel for the Applicant, and Shri S.M. Mishra, learned counsel  
for the Respondents.

2. This O.A. has been filed to seek relief by commanding the  
Respondent No. 2 to take immediate decision on the applicant's  
claim/application dated 16.01.2004 Annexure-3. It is stated on  
behalf of the applicant that the representation or the application




for claiming compassionate appointment is still pending at the level of Respondent No. 2. It is seen from the record that in the relief clause the application is mentioned as 16.01.2004 whereas the copy of the application annexed with Annexure-3 at page No. 20 it does not stated any date/s and at page No. 22 there is another copy in which date mentioned dated 16.07.2004. In spite of all this confusion it is apparent that the case of the applicant for consideration for compassionate appointment is still pending to the respondents.

3. This fact is not disputed by the respondents. On behalf of the respondents the learned counsel for the respondents Sri S.M. Mishra has stated that the case could not disposed so far because there is the dispute about the successor of the deceased.

4. For that purpose the succession certificate has asked for, which is not been submitted so far. The applicant counsel contend that the respondents have already admitted the applicant as being the legal heir. This controversy may be resolve at the level of respondents only. The applicant counsel submitted that the grievance of the applicant may be solve if a direction is issued to the Respondent No. 2 to consider the case of the applicant for which the application has already been submitted and it is pending with the respondents.


5. Since there is some difference in the date mentioned in the relief clause and the copy of the application filed in this O.A. about the representation submitted to Respondent No. 2, the applicant is





directed to move a fresh detailed representation to the Respondent No. 2/Senior Superintendent Postal Services, Muzaffar Nagar Division, Muzaffar Nagar, to stake her claim about the appointment on compassionate ground within a period of two weeks from today. If the fresh representation is received by the respondents the matter shall be considered along with the pending representations and the same shall be disposed of by passing a reasoned and speaking order within a period of two months from the date of receipt of fresh representation of the applicant.

6. While deciding the matter the O.A. shall be treated as a part of the representation.
7. Be it noted that I have not passed any order on the merit of the case.
8. With the above direction, the OA stands disposed of. No order as to costs.

  
Member (A)

/S.V./-