

(27)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.232 OF 2005

ALLAHABAD THIS THE 11<sup>TH</sup> DAY OF MARCH 2005

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

1. Smt. Sushma Sharma  
Wife of Late Ashok Kumar Sharma.
2. Amit Kumar Sharma,  
Son of Late Ashok Kumar Sharma.  
Both resident of Village and Post Jaitara,  
Tehsil-Dhampur, District-Bijnor.

.....Applicants

(By Advocate Shri Surendra Pratap Singh )

Versus

1. The Union of India,  
Through Secretary,  
Ministry of Communication,  
Department of Posts,  
Government of India,  
New Delhi.
2. The Chief Post master General,  
Uttar Pradesh Circle,  
Lucknow.
3. The Senior Superintendent of Post Offices,  
Moradabad Division,  
Moradabad.
4. The Superintendent of Post Offices,  
Moradabad Division,  
Moradabad.
5. The Senior Post Master,  
Post Office, Moradabad.
6. Rakesh Kumar Sharma,  
Son of Ishwat Chandra Sharma,  
Resident of Kanth,  
District-Moradabad/J.P. Nagar,  
Presently posted as Clerk in Sub Post Office,  
Misterganj, District-Rampur.

(28)

.....Respondents

(By Advocate Shri Saumitra Singh )

**O R D E R**

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

Shri Ashok Kumar Sharma, the husband of applicant no.1 employed in the Indian Post~~and~~ and Telegraph Department died in harness on 23.06.1991. The applicant, it is alleged, was about one year old at the time of death of his father Late Ashok Kumar Sharma. The department, in relaxation of normal rules of recruitment appointed Shri Rakesh Kumar Sharma the younger brother of the deceased Late Ashok Kumar Sharma on compassionate grounds. By impugned order dated 11.10.2004 the representation dated 13.09.2004 filed by the applicants seeking compassionate appointment has been rejected on the ground that benefits of compassionate appointment has already been exceeded to the brother of the deceased.

2. It is submitted by the learned counsel for the applicant that the applicants never gave their consent for appointment of the younger brother of the deceased and, therefore, appointment of Shri Rakesh Kumar Sharma if made on compassionate ground and to be ignored and the second applicant should be considered for compassionate appointment. The submission made by the learned counsel for the applicant cannot be countenanced. The cause of action arose even before the construction of the Tribunal. The applicant no.1 did not approach the appropriate forum seeking issuance of a direction to the official respondents to offer her compassionate appointment. It can legitimately be presumed that on the death of Ashok Kumar Sharma his younger brother Shri Rakesh Kumar Sharma ~~was~~ appointed on compassionate ground with the consent of the first applicant. In any case, inordinate delay in approaching the Tribunal for issuance of direction to the official respondents to

(S)



appoint the second applicant on compassionate ground entitles the applicants for the relief claimed by them. The objection and purpose of compassionate appointment, it cannot be gains shed to help the family in distress. The applicants have managed their family for about 24 years and now it would not be expedient to issue a direction after 24 years of the death of Ashok Kumar Sharma to appoint the second applicant.

3. Accordingly, the Original Application fails and is dismissed in limine. No Costs.

Vice-Chairman

/NEELAM/