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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

This the **02nd** day of **August, 2007.**

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

ORIGINAL APPLICATION NO. 736 OF 2005

Chandra Kumar Srivastava, S/o late Sri Sat Saran Lal Srivastava, R/o Rented House no. B-12/55 (New B-12/39) Gauriganj, Bhelepura, Varanasi.

.....Applicant

V E R S U S

1. Union of India through its Secretary, Ministry of Communication & Department of Posts Dak Bhawan, Sansad Marg, New Delhi.
2. The Director General of Posts offices, New Delhi.
3. Chief Post Master General, U.P. Circle, Lucknow.
4. The Superintendent of Post Offices, West Division, Varanasi.

.....Respondents

Present for the Applicant: Sri S.N. Shukla
Present for the Respondents: Sri S. Singh

O R D E R

The applicant has prayed for quashing the order dated 20.4.2005 (Annexure-1) by which the respondent no.4 conveyed to him that his case for compassionate appointment could not be recommended and also to set-aside the letter dated 12.4.2005 referred to in the order dated 20.4.2005 and to direct the respondents to give him appointment on compassionate grounds.

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2. The applicant's father late Sri Sat Saran Lal Srivastava died on 5.3.2004, while still serving as Postman under the respondents, leaving behind him the applicant and others as disclosed in para 4.2 of the O.A. There appears to be no dispute that the applicant gave one application dated 13.6.2004 (Annexure-3) together with necessary certificates for appointment under dying in harness Rules. It was said that on account of sudden death of late Sri Sat Saran Lal Srivastava, the family was in distress as there was no earning member left to pull on the family. It appears that the applicant gave reminders pressing for decision on his request for compassionate appointment. The matter was ultimately considered by Circle Relaxation Committee (in short CRC) in its meeting dated 10, 11 and 12.3.2005 and thereafter the applicant was informed that his case could not be found fit for compassionate appointment. He has filed this O.A. saying that his case was not objectively considered in accordance with the relevant guidelines regulating such appointments. *He says that* ^{as} *the fact that his sister is still* ^{un} *unmarried and fact that what ever terminal benefits came to the family, were spent in repaying the loan taken for medical treatment of late Sri Sat Saran Lal Srivastava, were not duly considered.*

3. The respondents have contested the claim of the applicant. They say that the case of the applicant

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was considered objectively in accordance with the relevant guidelines contained in the relevant Government orders dated 26.9.1995, 9.10.1998 and 3.12.1999. It is said that the widow of late Sri Sat Saran Lal Srivastava is getting family pension and other terminal benefits also came to the family, so it is difficult~~s~~ to say the applicant is without any means. It is also stated as compared to the case of the applicant, cases so recommended for such appointments were more genuine.

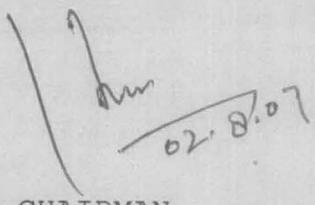
4. I have heard the parties' counsel. This much is clear from the order dated 7.12.2006 and subsequent orders that the information sought by the Tribunal as regards the manner in which case of the applicant was dealt with, has not been made available by the respondents. The Tribunal wanted to know as to whether the finding of the CRC or minutes of the said meeting are confidential or whether the same could be made available to the applicant. It was open to the respondents to have either replied the same or produced the minutes of the meeting for perusal of the Tribunal. More-over I am informed that the Department of Personnel & Training has issued one order on 5.5.2003 providing for consideration suitable cases for second and third time as well. Nothing has been shown by the respondents as to why the case of the applicant was not found fit one for 2nd consideration. The fact that the family of the deceased is without any



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earning member does not appear to be in dispute. Whether the terminal benefits, so received by the family or amount of family pension, which the mother of the applicant is getting, are sufficient enough to sustain the family should be re-considered in the light of the DOP&T order dated 5.5.2003.

5. So, the impugned order dated 20.4.2005 is quashed. The respondent no.3 is directed to ensure that the case of the applicant for compassionate appointment is reconsidered again in the light of the DOP&T letter dated 5.5.2003, within a period of four months from the date ^Q _{^L} certified copy of this order is produced before him. The O.A. stands allowed in the above terms with no order as to costs.


VICE CHAIRMAN

GIRISH/-