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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A.No.72 of 1987

Mor Mukut Applicant

Versus

Union of India & Others Respondents.

Hon.D.S.Misra, A.M.

Hon.G.S.Sharma, J.M.

(By Hon.D.S.Misra, A.M.)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985 praying for issue of a direction to the respondents either to regularise the appointment of the applicant dated 8.1.1975 on the post of Postman or to give compassionate appointment in place of late Shri Pyare Lal, who was father of the applicant.

2. The admitted facts of the case are that Shri Pyare Lal, ex mail peon, Iglas Sub Post Office expired on 6.9.63. The widow of late Pyare Lal, Smt. Sukh Devi, requested for appointment of her son Mor Mukut, the present applicant, in the year 1975 on compassionate ground. On inquiry it was found that the widow was getting family pension of Rs.190/- per month. Shri Mor Mukut, the applicant has been working as Extra Departmental Delivery Agent, Mursan since 8.1.75 and he is getting monthly allowance of Rs.224/- plus interim relief @ Rs.30/- per month. The application dated 23.2.75 of the

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widow for recruitment of her son Mor Mukut, the present applicant, was sent to Postmaster General U.P. Circle, Lucknow on 14.4.75. The Postmaster General U.P. Circle, Lucknow vide his letter dated 23.4.75 informed the widow (copy Annexure-CA.1) that her husband expired on 6.9.63 and therefore her request for employment of her son could not be considered. Smt. Sukh Devi, the widow submitted an application dated Nil for appointment of her son Mor Mukut, the present applicant, for relaxation of rules which was also sent to the Postmaster General U.P. Circle, Lucknow on 22.3.76. The Postmaster General U.P. Circle, Lucknow vide his letter dated 2.4.76 replied that the death of the father of the applicant took place as long back as 6.9.63 and as such old cases cannot be considered for employment. This information was sent to the widow on 20.4.76 (copy Annexure-CA.2). The applicant sent an application addressed to the Communication Minister, New Delhi on 4.9.85 and the applicant was informed vide letter dated 17.3.86 that his case has been considered by the Director General Posts, New Delhi and the same has been rejected (copy Annexure-CA.4).

3. We have heard the learned counsel for the parties. The contention of the applicant is that the period of limitation of five years prescribed earlier has been relaxed by the Govt. of India vide circular dated 4.6.86 (copy Annexure-8) and therefore the application of the applicant for appointment

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on compassionate ground should be deemed to have been filed within time and should not have been rejected by the respondents. The contention of the respondents is that the application of the applicant, which was filed after 12 years of his father's death was already considered and rejected by the Director General Posts, New Delhi before the issue of the instructions contained in the circular dated 4.6.86 and this circular cannot have retrospective effect. We have considered the contentions of the parties. The scheme of compassionate appointment of the dependent of a deceased employee is primarily to provide immediate financial assistance to the family of the deceased employee, ~~and~~^{but} the instructions contained in the circular dated 4.6.86 provides for consideration of an application made within twenty years of the death of an employee ^{and it may} authorise the competent authority to consider such applications on merit. It does not confer unrestricted right on an applicant to claim appointment irrespective of the financial position enjoyed by the family. In the instant case it is not disputed that the widow is getting pension of Rs.190/- per month and the applicant is already employed as an Extra Departmental Delivery Agent. His request for appointment as Postman is in the nature of seeking promotion and does not come within the scheme of providing financial relief by way of compassionate appointment. The alternative prayer

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made by the applicant is that he may be regularised on the post of Extra Departmental Delivery Agent held by him since 8.1.1975. We are of the opinion that this is a reasonable request and the respondents should consider it sympathetically. While rejecting the prayer of the applicant for appointment as Postman we direct the respondents to consider the request of the applicant for regularisation in accordance with the rules on the subject. The application is disposed of accordingly. We make no order as to cost.

J. M.

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Dated the 2nd Dec., 1988.

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