

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 15th day of March, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C

Orginal Application No. 927 of 1999

Brij Pal Singh S/o Gajraj Singh  
R/o Vill. Navada. Post- Gajraulla,  
Distt. Jyotiba Phule Nagar.

.....Applicant

Counsel for the applicant:- Sri D.P. Singh

V E R S U S

1. Union of India through the Chairman,  
Compassionate Recruitment Committee, Office of  
Chief Post Master, U.P. Circle, Lucknow.

2. Post Master General, Bareilly Region,  
U.P. Circle, Bareilly.

3. Senior Superintendent of Post Offices,  
Moradabad Division.

.....Respondents

Counsel for the respondents:- Km. Sadhna Srivastava.

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the  
Administrative Tribunal's Act, 1985, applicant  
has prayed for quashing of the order dt. 05/06.11.98  
(annexure-2) and has further prayed for a direction to  
the respondents to appoint the applicant on compassionate  
ground.

2. The reasons stated for not giving appointment on compassionate ground to the applicant are as under:-

- i) Employee found involved in fraud/loss cases.
- ii) C.M.O issued invalidation certificate on 17.06.95, though he worked in the department up to 04.03.96.
- iii) The illness does not appear to be serious one.
- iv) One son is already employed.
- v) Own four room house
- vi) Family not considered in indigent condition.

3. Learned counsel for applicant has submitted that the applicant's father was not involved in case of fraud/ loss. He has referred to para- 7,8, and 9 of the application, but he could not dispute the facts that <sup>his</sup> ~~he~~ father was asked to pay Rs. 10,500/- as loss to the department on account of the incident dt. 28-29.02.96. So far as the medical certificate is concerned, it appears that the father of the applicant procured certificate on 17.06.95 but he kept it with himself and filed alongwith application dt. 16.04.96 and claimed for retirement. If the illness was really serious he could not have worked up to 16.04.96. He got a certificate showing him medically fit on 11.07.95, though the certificate dt. 17.06.95 existed containing declaration that father of the applicant was completely and permanently incapacitated. Both the declarations could not exist together. It clearly demonstrates that invalidated certificate was procured by manipulations. There is no mention about nature of illness, suffered by the father of the applicant.

4. In the circumstances in my opinion, the claim of the applicant has been rightly rejected. Order does not suffer from any error of law. O.A is accordingly dismissed.

No order as to costs.

/Anand/

Vice-Chairman.