

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.1226 OF 2002

ALLAHABAD THIS THE 24 DAY OF November 2005

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Neeraj Upadhyay, S/o Late S.P. Upadhyay, R/o 122
A, Block P, Kunj Vihar, Yashoda Nagar, Kanpur.

.....Applicant
(By Advocate Shri V.B. Tiwari)

V E R S U S

1. Union of India, through Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansag Marg, New Delhi.
2. The Chief Postmaster General, U.P. Circle, Lucknow.
3. The Postmaster General, Kanpur Region, Kanpur.
4. Sr. Supdt. Of Post Offices, Kanpur Nagar Mandal.

.....Respondents

(By Advocate: Sri R.K. Tiwari.)

O R D E R

This case would reflect as to how the respondents acted in a matter of compassionate appointment!

2. The applicant filed this OA praying for compassionate appointment in the wake of his father's demise. According to him, when his mother had applied for appointment to the applicant and when the



application was followed by repeated reminders with the recommendations of the Members of Parliament including two State Ministers, all that he could get that too after three years was a stereo type communication rejecting the case. Notice was issued and the respondents were permitted to file counter. A copy of the counter was stated to have been served upon the applicant which was found lacking in certain Annexures. Even that incomplete copy does not appear to have been filed with the Registry. The respondents were granted further time to file the same vide order dated 24-02-2005. Yet the counter has not been filed. The minimum expected from the respondents is the full facts and figures and their justification for grant of appointment to other candidates and rejection of the applicant's candidature, by spelling out the reasons therefor. It would thereafter be possible for the Court to consider the case in its entire conspectus. The department does not seem to care either for people's representatives or for the Court, it appears!

3. Now the facts of the case as contained in the O.A.

(a) The applicant's father late Sri Swayan Prasad Upadhyay, who was a Postman took his last breath on 3.12.1999 while he was on duty.

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- (b) The deceased employee left behind his widow, three sons and one daughter married in the year 2001. Except the applicant, both sons of the deceased are minor.
- (c) Applicant's mother met personally with concerned authorities to provide a job to her elder son i.e. applicant. The applicant's father died due to Stomach cancer and for his treatment, the family of the deceased had already been reached in distress condition.
- (d) The respondents did not consider her request and turned their deaf ear in spite of availability of the vacancy.
- (e) Her representations were recommended by some Member of Parliament including two State Ministers and after about three years, the respondents rejected his representation by stereo type of order.

4. Arguments were heard. The applicant's father was stated to have died of stomach cancer and it has been averred in the application that for his treatment, the family had already reached in distress condition. In all expectations, the respondents, which took into account the extent of terminal benefits received by the family would not have considered the extent of expenses incurred upon the medical treatment and marriage of the daughter of the deceased for purposes of comparison with other cases the penury condition of

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the family. The respondents have not furnished the evaluation of the case qua other selected candidates.

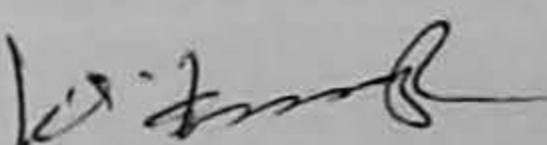
5. Undoubtedly, there are a lot of limitations in grant of compassionate appointment, the vacancies earmarked for such purpose being negligible and the aspirants too many. While no vested right for compassionate appointment is available with the applicant, the applicant is certainly entitled to the right to information. The respondents are duty bound to inform as to how the case of the applicant was not found deserving. If they do not do so directly to the applicant, at least when he approaches the court, through reply such an information should be made available.

6. The respondents are therefore directed to consider, after getting from the applicant the details of medical expenses incurred in the treatment of the deceased government servant and expenses incurred in conducting the marriage of the daughter of the govt. servant, the case of the applicant again by deducting the extent of expenses so incurred from the terminal benefits and if found deserving the applicant be given compassionate appointment and if not he be informed by Respondent No. 2 with details of evaluation of the case of the applicant and of those who have been granted Compassionate appointment by the

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Circle Relaxation Committee. This drill be completed within a period of four months (or when the Committee meets, if later than four months) from the date of communication of this order.

7. The OA is disposed of with the above directions.
No cost.


MEMBER-J

GIRISH/-