

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

Original Application No. 493 of 2002.

this the 9th day of April 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Mohd. Ishaq, S/o late Mohd. Yusuf, R/o Ward no. 12,  
Town Area Handia, Allahabad.

Applicant.

By Advocate : Sri R.S. Prasad.

Versus.

1. Union of India through Secretary, Ministry of Telecommunication, P&T Department, New Delhi.
2. Chief postmaster General, U.P. Circle, Lucknow.
3. Sr. Supdt. of post Offices, Allahabad Division, Allahabad.

Respondents.

By Advocate : Sri G.R. Gupta.

O R D E R (ORAL)

In this O.A., the grievance of the applicant is that his case for compassionate appointment has been rejected by order dated 2.9.99 on the ground that elder son is earning and all the children are grown-up who can earn themselves (page 13).

2. It is submitted by the applicant that his father died on 28.6.97 leaving behind his widow, five sons and five daughters, details have been given at page 5 of the O.A. Since there is no earning member in the family and his father was <sup>the</sup> only earning member, therefore, after his death, it was not possible for him to sustain such a ~~large~~ <sup>big</sup> family on meagre amount which they got after the death of his father. He, therefore, gave a representation to the next higher authority namely C.P.M.G., U.P. Circle, Lucknow (page 18), but



the same has not been disposed of till date. The applicant's counsel has submitted that in view of the indigent circumstances of the family, applicant is entitled to be given compassionate appointment.

3. The respondents have, on the other hand, contested the O.A. and have stated that compassionate appointment cannot be sought as a matter of right and a person has only a right for consideration. Since the <sup>case of the</sup> applicant has been considered and rejected on valid grounds, no interference is called-for. They have not denied that the applicant has given a representation to the CPMG, but have submitted that he is not aware of the outcome of the said representation.

4. I have heard both the counsel and perused the pleadings as well.

5. The details given in para 4.3 of the O.A. show that the deceased left behind a huge family consisting of his wife, five sons and five daughters, out of which all the five daughters were married, but unfortunately two daughters had become widow. It is also seen that in the application given by the applicant's mother, it is admitted that the elder son was working under a private firm. Therefore, it is clear that elder son was ~~in the~~ earning. However, in view of the fact that the applicant has already given a representation to the CPMG, U.P. Circle, Lucknow, against the decision of 2.9.99 which is still pending and has not yet <sup>been</sup> disposed off, this O.A. is being disposed off with a direction to the CPMG, U.P. Circle, Lucknow to dispose off the said representation of the applicant by passing a reasoned and speaking order, after considering the facts as stated by the applicant, within a period of three months from the date of communication of this order.



6. With the above direction, O.A. stands disposed off with no order as to costs.

A handwritten signature in black ink, consisting of a stylized 'S' or 'J' shape followed by a horizontal line.

MEMBER (J)

GIRISH/-