

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD**

Original Application No.1026 of 2002.

Allahabad, this the 3rd day of January, 2008.

Hon'ble Mr. A.K.Gaur, Member (J)
Hon'ble Mr. Shailendra Pandey, Member (A)

Janardan Prasad, S/o late Shiv Parikhan Ram, R/o Village Anharipur, Post Office Anharipur, Sonwal, District Ghazipur.

...Applicant.

(By Advocate : Sri K. Pandey

Versus

1. Union of India through Ministry of Communication, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Superintendent of Post Offices, Ghazipur.
4. Asstt. Superintendent of Post Offices, Zamania, Ghazipur.

Respondents

By Advocate: Sri S. Singh.

O R D E R

By A.K. Gaur, Member-J

We have heard the learned counsel for the parties and perused the pleadings on record.

2. This O.A. has been filed by the applicant for setting-aside the order dated 13.8.2002 passed by the respondent no.2 whereby the applicant has been removed and also for a direction to the respondents to allow him to work continuously on the post of EDBPM, Auharipur, District Ghazipur.

3. The learned counsel for the applicant has mainly argued that the termination order is in violation of the principle of natural justice and

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fair play and no opportunity of hearing whatsoever has been granted to the applicant before passing the impugned order.

4. On the other hand, Sri S. Singh, learned counsel for the respondents invited our attention towards para 'J' of the Counter Affidavit, wherein, it has clearly been stated that Sri Shiv Parikhan Ram, who was working as EDBPM, Ahnarpur, Sonwal, B.O. Ghazipur since 25.11.71, died on 24.4.1999 living behind two married sons including the applicant. The wife of the deceased had already died. The younger son of the deceased Sri Devendra Pal was already employed in the State Irrigation Department. However, as per the request of the applicant, he was directed to be engaged for three months vide Office Order dated 1.7.1999, with clear understanding that if his case for compassionate appointment is rejected by the Circle Relaxation Committee (in short CRC), he will be relieved from the post. His application was duly sent to the Chief Post Master General, U.P. Circle, Lucknow for consideration. A copy of the engagement order has already been filed and marked as Annexure CA-I to the Counter Affidavit. The case of the applicant for compassionate appointment was considered by the CRC through rotation of the file amongst member of the CRC and after analysis of the case of the applicant CRC found that the applicant was not entitled to be appointed on compassionate ground. Accordingly his

case was rejected by the CRC by order dated 13.8.2002. The order of rejection was communicated to the applicant wherein it was clearly observed that {i} there are two major sons in the family, {iii} one son is seasonal employee in the State Irrigation Department, {iv} no liability of marriageable daughter or education of children, {iv} the family has been in possession of agricultural land measuring 0.751 acres, and {v} the family has income of Rs. 1,000/-P.M. In view of the aforesaid observations, the CRC had rejected the case of the applicant.

5. We have given our anxious considerations to the submissions made by the learned counsel for the parties and pleas raised during the course of hearing, *and we* are of the considered view that granting an opportunity of hearing before passing the impugned order is only an empty formality and nothing else as the appointment has been made for a stop gap arrangement and in the engagement order itself it was clearly provided that if his case is rejected by the CRC for compassionate appointment, he will immediately be relieved. In this view of the matter, *non* granting an opportunity of hearing does not come in the way. Accordingly, we dismiss the O.A. with no order as to costs.

MEMBER-A

GIRISH/-

Anil Jain
MEMBER-J