

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1028/02

WEDNESDAY, THIS THE 8TH DAY OF JANUARY, 2003

HON. MRS. MEERA CHHIBBER, MEMBER(J)

Yashwant Kumar Yadav,
s/o Sri Bhrigunath Ram
r/o Village Dharmagatpur,
Post Ratanpura,
Dist:- Mau.Applicant.

(By Advocate:- Shri A.N.Srivastava)


Versus

1. Union of India through secretary
m/o Communication Department.
Post, New Delhi.
2. Superintendent of Post Offices Ballia
Division Ballia.
3. Senior Superintendent of Post Offices Azamgarh
Division, Azamgarh.
4. Chief Post Master General Uttar Pradesh
Parimandal Lucknow(U.P). Respondents.
(By Advocate:-Shri R.C.Joshi)

ORDER

HON. MRS. MEERA CHHIBBER, MEMBER(J)

The applicant's grievance is that his father was working as Postal Assistant with the respondents who retired from service on 21-12-1998 before the completion of superannuation age due to physical incapacity of working permanently. It was the Chief Medical Officer ^{who} declared his father Shri Bhrigunath Ram, Postal Assistant to be completely and permanently in-capacitated for further retention in service at the age of 56 years. Certificate annexed as Annexure A-2. Accordingly the applicant's father applied to the Chief Post Master General U.P. Lucknow for appointment of his dependent son Shri Yashwant Kumar Singh on compassionate grounds by showing details of his grievance about poor economic conditions of the family vide his application dated 7-12-1999 which was followed by reminder but finally the respondents have communicated vide order dated



12-12-2001 that it is not possible to give compassionate appointed as per rules (page 12). It is this order which has been challenged by the applicant on the ground that no reasons have been given by the respondents for rejecting his claim nor have ^{assessed} / ~~assessed~~ as to whether the respondents financial conditions of the family ~~is~~ indigent or otherwise, therefore, he has claimed that the order dated 12-12-2001 be quashed and respondent No. 2 and 3 be directed to consider the claim of the applicant for compassionate appointment on the post of Clerk in the department as dependent of Shri Bhrigunath Ram.

2. I have heard the counsel and perused the pleadings.

3. A perusal of impugned order shows that it is a stereotype mechanical order by which the respondents have showed their inability to grant compassionate appointment to the son of Shri Bhrigunath Ram but no reasons are assigned for rejecting the claim. The Hon'ble Supreme Court has been repeatedly holding that whenever a representation is given to the respondents, the ~~least~~ ^{is,} they are ~~expected~~ ^{expected} to pass a speaking order so that it can satisfy the person concerned and the matter can be settled at that level itself without dragging the persons to the court of law. However, since the respondents have not given any reasons for rejecting the ~~claim~~ of the applicant I am satisfied that such type of order is not sustainable in law. Accordingly I quash the order dated 12-12-2001 and remit the matter back to the respondents with a direction to pass a reasoned and speaking order after considering all the aspects of the matter within a period of two months from the date of receipt of a copy of this order under intimation to the applicant.

4. With the above direction the O.A is finally disposed of.


Member (J)