

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1523 OF 2003

ALLAHABAD, THIS THE 06th DAY OF JANUARY, 2004

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

Jai Hind Rai son of Late Chandrikla Rai,
resident of Village & Post Office Muzaffarpur,
Tehsil-Sadar, District- Azamgarh.

.....Applicant

(By Advocate : Shri A.K. Trivedi)

V E R S U S

1. Union of India through Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.

2. Senior Superintendent of Post Offices,
Azamgarh.

(By Advocate : Shri G.R. Gupta)Respondents.

O R D E R

By this Original Application, applicant has sought the following reliefs:-

- "(A) an appropriate order or direction of suitable nature commanding the respondent No.2 to consider the candidature of the applicant for appointment on any Class IVth post on compassionate ground in place of his late mother.
- (b) an appropriate order or direction in the suitable nature commanding the respondents to take decision upon the various representations pending before them
- (c) any other appropriate order or direction as this Hon'ble Court may deem fit and proper."

2. It is submitted by the applicant that his mother Smt. Chandrakala Rai was working as Post Master in post office at village Muzaffarpur, Tehsil Sadar, District Azamgarh on permanent basis. She died on 07.04.1991 leaving behind the



applicant who was a minor at that time (as he was only 8 years old) and her husband Shri Shrikant Rai. It is submitted by the applicant that his father is an illiterate person and has no source of livelihood but he was earning his livelihood on daily wage basis by doing Mazdoori, therefore their condition was very pitiable. It is further submitted by the applicant that he has passed his High School and Intermediate Examination in 2000 and attained the age of majority on 01.07.2001. Therefore, after attaining the majority, applicant gave an application for grant of compassionate appointment in place of his mother on 04.07.2001 but till date he has not been given any reply by the respondents. Thus, he has claimed the reliefs as mentioned above.

3. Counsel for the respondents was seeking time to file reply and he submitted that this case is barred by limitation therefore, the same may be dismissed on this ground itself.

4. I have heard both the counsel and feel no purpose would be served by calling for the reply at this stage as grievance of the applicant in this case is that his case has not/been even considered by the respondents. It is true that nobody can claim compassionate appointment as a matter of right but atleast when any dependent of an employee makes an application for compassionate appointment after the death of his or her mother or father the least ^{expected 18} ~~that is accepted~~ from the respondents is to consider the same and pass appropriate orders thereon. In deciding the representation, respondents can always take a ground that the application itself is barred by limitation or any other valid ground, which is available to them for either allowing the application or rejecting the same. In this case, since applicant's counsel has stated categorically that till date applicant has not get any reply, I think ends of justice



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would be met if this O.A. is decided at the admission stage itself by giving a direction to the respondents to consider the application of the applicant and pass appropriate orders thereon in accordance with law and instructions on the subject within a period of 3 months from the date of receipt of a copy of this order under intimation to the applicant.

5. With the above direction, this O.A. is disposed off at the admission stage itself with no order as to costs.



Member - J

shukla/-