

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 12th day of September 2003.

Original Application no. 298 of 2003.

Hon'ble Maj Gen K K Srivastava, Member (A)

Anilesh Kumar Tripathi, S/o Sri K K Tripathi,  
R/o Handipur Post Dumduma, Saidabad,  
Distt. Allahabad.

.... Applicant

By Adv : Sri I.P. Singh  
Sri A.K. Updhayaya

Versus

1. Union of India through its Secretary,  
Ministry of Communication, Department of Post,  
New Delhi.
2. Director of Accounts (postal), UP Circle, Aliganj,  
Lucknow.
3. Assistant Engineer Accounts Officer Administration-I (S),  
Postal Account (Confidential) Administration-I, Aliganj.

... Respondents

By Adv : Sri R.C. Joshi  
Sri R Sharma.

ORDER

By Maj Gen K K Srivastava, AM.

By this OA, filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the impugned order dated 27.9.2002 passed by respondent no. 3, <sup>with</sup> direction to the respondents to pay retiral benefits of his father and also direction to the respondents to provide proceedings of the enquiry, charge sheet and the removal order of his father dated 30.6.1999.

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2. The facts, in short, are that the father of the applicant, Sri Kamla Kant Tripathi, was holding the post of Senior Accountant, in the establishment of respondent no. 2. Sri K K Tripathi is missing since 08.09.1997. The Grand father of the applicant has filed an FIR on 13.10.1998 regarding this bearing crime case no. 412 of 1998 at Police Station, Aminabad, Lucknow. The applicant applied for compassionate appointment in February 2002 and he was informed by the respondents vide letter dated 11.3.2002 (Ann A3) that his father had been removed and, therefore, he is not entitled for compassionate appointment under Rules. The applicant made several representations followed by several reminders, last being dated 1.11.2002. Learned counsel for the applicant also submitted that till today the father of the applicant is not traceable, in such cases circumstances the disciplinary proceedings initiated against the applicant's father, as intimated by the respondents, cannot stand in the eyes of law. Besides, it will be in the fitness of thing, if the papers regarding the disciplinary proceedings are provided to the applicant so that he could challenge the same.

3. Opposing the claim of the applicant, learned counsel for the respondents submitted that the impugned order dated 27.09.2002 is a speaking order and no interference is called for.

4. I have heard learned counsel for the parties, considered their submissions and perused the record.


5. The representation of the applicant dated 16.9.2002 (Ann A6) is detailed one and in my considered opinion the interest of justice shall be met, if the representation of

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the applicant dated 16.9.2002 (Ann A6) is decided by respondent no. 2 by a reasoned and speaking order within a specified time.

3. In the facts and circumstances, the OA is disposed of finally at the admission stage with direction to respondent no. 2 to decide the representation of the applicant dated 16.9.2002 (Ann A6) by a reasoned and speaking order within a period of three months from the date of communication of this order.

4. There shall be no order as to costs.

  
Member (A)

/pc/