

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.**

Allahabad, this the 28th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

O.A. No. 308 of 2003

Mahesh Chandra Srivastava S/O Late Sri Ram Sajiwan Srivastava  
B/O 120-D, Vishwa Bank Colony, Barra, District Kanpur Nagar.

.....

.....Applicant.

Counsel for applicant : Sri K.K. Tripathi.

Versus

1. Union of India, ministry of Communication, Department  
of Post, New Delhi.

2. The Chief Post Master General, U.P. Circle, Lucknow.

3. The Director, Postal Services, Kanpur Region, Kanpur.

4. The Chief Post Master, Kanpur, Head Office, District  
Kanpur.....

.....Respondents.

Counsel for respondents : Sri S. Chaturvedi.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri K.K. Tripathi, learned counsel for the applicant, Sri Pankaj Srivastava, holding brief of Sri S. Chaturvedi, learned counsel for respondents and also perused the pleadings on record.

2. The applicant submitted an application on 12.3.1997 for compassionate appointment after the death of his father Sri Ram Sajivan Srivastava, Ex. Group 'D', Kanpur Head Post Office, who had died in harness. His case was considered by the Circle Relaxation Committee and the applicant was approved for compassionate appointment as Postal Assistant vide Chief Post Master General Memo No. Rectt/M-5/87/97/7 dated 18.8.1997 with condition that appointment shall be given on the basis of availability of vacancies under the quota of compassionate appointment in terms of provisions of DOPT No.14014/1 4/966Estt(D) dated 26.9.95. The applicant, however, could not be <sup>appointed</sup> ~~approved~~ due to non-availability of

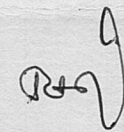
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vacancies within a prescribed quota of 5%. Maintenance of waiting list subsequently came to be discontinued vide DG(Posts) letter No.24-1/99-SPB dated 8.2.2001 in terms of the letter dated 24.11.2000 issued by the DOPT. The Director General (Posts) framed a policy for absorption of candidates, who were approved prior to 8.2.2001 as against the post of Gramin Dak Sewaks subject to their willingness and suitability for the post. The applicant was called upon by letter dated 16.10.2001 to give his willingness for appointment as Gramin Dak Sewak but he declined to give his willingness and preferred a representation for review of his case. The applicant filed an O.A. No.100 of 2002 which was disposed of with a direction to decide the said representation of the applicant. By means of impugned order dated 8.11.2002, the representation has been rejected on the ground that the applicant was in the waiting list but he could not be appointed due to non-availability of vacancies within the prescribed quota of 5% and he declined the offer to be appointed as Gramin Dak Sewak under the new policy of absorption framed by the Director General (Posts).

3. In my opinion, the order impugned herein, does not suffer from any illegality. In the result, therefore, the O.A. fails and is dismissed in terms of above discussion.

No order as to costs.

  
V.C.

Asthana/