

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 677 OF 2003

ALLAHABAD THIS THE 11TH DAY OF FEBRUARY 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Ajay Kumar Singh
Son of Shri Murlidhar,
r/o New Sarai Pir Mattha, Padao Dubey,
Aligarh.

.....Applicant

(By Advocate : Shri Y. D. Sharma)

V E R S U S

1. Union of India through its Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Chief Post Master General,
U.P. Circle,
Lucknow.
3. The Post Master General, Agra.
4. The Superintendent Postal Stores,
Forms and Seals Aligarh.

.....Respondents

(By Advocate: Shri N. C. Nishad)

O R D E R

Heard Shri Y.D. Sharma counsel for the applicant and
Shri N.C. Nishad learned standing counsel representing the
respondents and perused the pleadings.

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2. The applicant was approved for compassionate appointment in relaxation to the relevant recruitment rules vide order dated 18.08.1997 (Annexure-1 to the O.A.). By means of the said order the Chief Post Master General, U.P. Circle, Lucknow given the approval for appointment to the applicant in Group 'D' category and allotted Aligarh Prakhand. The Post Master General Agara was required to get the formalities completed and appointed the applicant as early as possible. It was also provided in the order that compassionate appointment would be made against the available vacancies.

3. Grievance of the applicant is that despite the order aforesaid he was not appointed to the Group 'D' post. Accordingly, the original application has been instituted for issuance of a direction to the respondents to the respondents to appoint the applicant on a regular class IVth Post forthwith if necessary by creating a supernumerary posts.

4. Respondents in their counter affidavit have stated that during the course of the verification it was found that different dates of birth of the applicant ~~was~~ ^{was} entered in Class 5th certificate and class 8th certificate and ^{on} ^{it was} further verification found that marksheet of class 8th was not genuine, hence the case was referred to the higher authorities to seek permission whether the applicant be treated in Group 'D' or non test category of Group 'D'. It is also stated in the

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counter affidavit that ~~the~~ ^{no} ~~vacancy~~ under 5% quota reserved for compassionate appointments, ~~no vacancy~~ was available and hence the consent of the wait listed candidates were sought for appointment in GDS. The applicant it appears declined to accept the appointment as GDS. In the absence of vacancy in Group 'D', it is not possible to issue direction compelling ~~the~~ ^{the} respondents to appoint the applicant in Group 'D' Post. In case, however, the applicant accepts the appointment as GDS within a period of one month, his claim for compassionate appointment to a regular Group 'D' post may be considered as and when the vacancy becomes available.

5. The Original Application is disposed of in terms of above mentioned directions.

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Vice- Chairman

Shukla/-