

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ALLAHABAD THIS THE 18TH DAY OF JANUARY 2008.

ORIGINAL APPLICATION NO. 717 OF 2003.

Hon'ble Mr. Justice Khem Karan, V.C

Smt. Sunita Rani wife of Ram Kinkar Lal Asthana, aged about 33 years, resident of 509 Brahmapura, Bhoor, District Bareilly.

.....Applicant.

(By Advocate: Shri M.S. Solanki)

Versus.

1. Union of India through the Secretary, Ministry of Communication Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Department of Post, U.P Circle, Lucknow.
3. Senior Superintendent of Post Office, Bareilly Division, Bareilly.

.....Respondents

(By Advocate: Shri S. Singh)

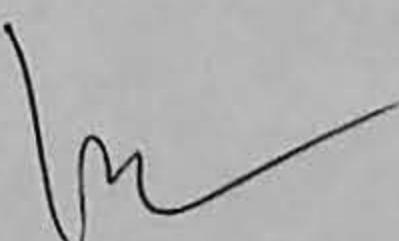
O R D E R

The applicant is the widow of late Ram Kinkar Lal Asthana, who died on 22.1.1998, while still in service of the respondents. There is no dispute that on application of the applicant for compassionate appointment under dying In Harness Rules, respondent no. 2 issued order dated 29.7.1999 (A-1) deciding ~~him~~ to appoint ^{him} in Group D in Bareilly Division. Applicant says that she could not receive information of this order so could not join. She also gave application dated 22.5.2001 (A-13), 17.9.2002 (A-18) etc. It appears, ^{the} that respondents tried to know her willingness for

appointment ~~in~~ Gramin Dak Sewak. Applicant was indecisive. She gave willingness but taken back the same and then again gave her willingness, but ^{for posting} in District Hardoi. Respondents issued one letter dated 12.3.2003 trying to know her willingness for appointment in G.D.S Cadre. Copy of this letter is A-3. The respondents issued another letter dated 21.3.2003 to the same effect, ~~and finally letter dated 6.5.2003, copy~~ of these letters are (A-4 and A-2). Applicant is challenging ~~all~~ these ~~two~~ communications namely letter dated 12.3.2003, 21.3.2003 and 6.5.2003 and is praying that the respondents be directed to give her appointment in Group D, pursuant to earlier order dated 29.7.1999.

2. In reply, the respondents have stated in para-14 (on page 6) that instead of submitting her willingness as required by letter dated 30.5.2003, the applicant ~~has~~ filed this O.A. They say that the delay in giving appointment to the applicant was caused by her own omissions. They say that she did not respond to the letter in 1999 and then to subsequent letters written ^{knowing} for her willingness for serving ⁱⁿ Gramin Dak Sewak.

3. I have heard the parties counsel. Shri R.K. Kohali holding brief of Shri M.S. Solanki states that applicant is ready to work on any post in Gramin Dak Sewa in Districts Bareilly, Hardoi or in adjoining Districts. It transpires from the tenor of the reply of the respondents that they are ready to give her appointment on any post in Gramin Dak Sewa. Shri Saumitra Singh says



that the applicant can be appointed on compassionate grounds against any vacancy in Gramin Dak Sewa in the Districts mentioned ^{above} ~~then~~ or in any adjoining Districts. There remains nothing to be decided in this O.A. The question of quashing the communications does not arise as by those, only willingness of the applicant ~~has been~~ ^{was} sought.

5. So the application is disposed of with the direction to the respondent NO. 2 to consider applicant's case for appointment on compassionate grounds against any vacancy in Gramin Dak Sewa in District Bareilly, Hardoi or in any other adjoining Districts, within a period of three months from the date, a certified copy of this order is produced before him.

No orders.

18.1.08

Vice-Chairman

Uv/-