

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1200 of 2006

Allahabad, this the 21st day of April, 2009.

Hon'ble Mr. A.K. Gaur, Member-J

Smt. Tarawati Dhusia wife of late Keshav Lal Dhusia,
Resident of House No.58, Matiyara, Alopibag, Allahabad.

...Applicant.

(By Advocate: Shri R. Singh
Shri B.N. Singh

Versus

1. Union of India through its Secretary, Ministry of Communication (P&T) Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Senior Superintendent of Post Offices Allahabad Division, Allahabad.

...Respondents.

By Advocate : Shri S.C. Mishra

O R D E R

Learned counsel for the applicant stated that the order of rejection for appointment on compassionate ground has been passed in a most perfunctory and casual manner, without application of mind. No reasons have been recorded by the competent authority in its order.

2. Learned counsel for the respondents stated that the order dated 14.6.2004 (Annexure-A-1) is reasoned and speaking order. The case of the applicant has been considered by Circle Relaxation Committee under the provisions of latest instructions and after careful

consideration of the case of the applicant it was not recommended by the competent authority taking into account the liability of the family like education of minor children, marriage of daughters responsibility of aged parents. Learned counsel for the applicant further argued that there are three unmarried daughters and the Circle Relaxation committee has not at all considered the grievance of the applicant as the widow is getting a meager family pension of Rs.1275/- . He argued that the order is cryptic and non speaking.

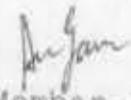
3. Having heard the parties counsel, I am firmly of the view that the findings recorded by Circle Relaxation Committee is not subject to judicial review. The competent authority has already taken into consideration various factors of the case and thereafter the case for appointment on compassionate ground has been rejected. Learned counsel for the applicant submitted that he has again moved a representation for consideration of the case of the applicant on humanitarian ground and also for taking into account the fact that applicant has three unmarried daughters and in case her case is not considered for appointment on compassionate ground, the entire family would be ruined.

4. Learned counsel for the respondents has no objection to the plea that a direction be given to the competent authority to consider the representation dated 10.7.2006 of the applicant within a specified period of time.

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5. In view of the above, I hereby quash the order dated 14.6.2004 (Annexure-A-1) and direct the competent authority to re-consider the case of the applicant taking humanitarian approach of the matter and pass appropriate reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

6. With the above observation, the OA is disposed of. No order as to costs.


Member-J

RKM/