

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 27th day of **JULY, 2007**.

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN.

ORIGINAL APPLICATION NO. 384 OF 2006

Manoj Kumar Sharma, S/o Late Vinod Kumar Sharma,
R/o House No. 77, New Basti, Lallapura (Sabun Godam),
Meerut.

.....Applicant.

VE R S U S

1. Union of India through its Secretary,
Ministry of Communication and Information Technology ,
Postal and Telegraph Deparment, Govt. of India,
Sansad Marg, New Delhi.
2. Director General of Post Office, New Delhi.
3. Chief Post Master General, U.P, Lucknow Circle.
4. Post Master General, Bareilly, U.P.
5. Senior Superintendent of Post Offices, Meerut Cantt,
Meerut Division, Meerut.

.....Respondents

Present for the Applicant: Sri Ram Mohan
Present for the Respondents : Sri S. Singh

ORDER

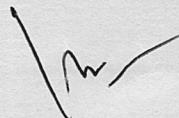
The applicant's father Late Vinod Chandra Sharma was admittedly in service of the respondents and he died on 04.03.1997, while still in service, leaving behind him the applicant and four others in the family as disclosed in para 4.1 of the Original Application. The applicant gave application for appointment under dying in harness rules. His case was



considered by the Circle Relaxation Committee as per rules on 08.07.2002 alongwith such other cases, but owing to the limited number of vacancies and other factors, as disclosed in Annexure A- 1 to the O.A, case for compassionate appointment could not be recommended. He was considered again in 2004 but could not be recommended (Annexure CA-2). Applicant preferred Writ Petition No. 34569/04 before Hon'ble High Court, Allahabad, which that court disposed of vide order dated 06.03.2006, relegating the applicant to this Tribunal. Thereafter, this O.A was filed. It is prayed that the communication dated 11.07.2002 and dated 21.05.2004, issued by the respondents No. 5 be quashed and the respondents be directed to give him compassionate appointment. It is stated that in considering the case of the applicant in 2004, the respondents did not take actual condition of the family and perhaps were under wrong impression that Km. Meenu Sharma shown as an unmarried daughter of the deceased was not his daughter but daughter of Mausi of the applicant. It is also stated that while one of the younger brother of the applicant was seriously ailing but this fact was overlooked.

2. The respondents have contested the claim by filing Written Reply. They say that it was according to the applicant's declaration itself that Km. Meenu Sharma was not his real sister and was daughter of his Mausi. It has also been said that the case of the applicant was not found so genuine, to be recommended for compassionate appointment as number of vacancies was very limited .

3. I have heard parties counsel and have gone through the material on record. I am informed by the parties counsel that DOPT issued

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instructions dated 05.05.2003 providing that the case of an individual for compassionate appointment may be considered thrice. The fact that the respondents did consider applicant for second time also indicates that the relevant guidelines, relating to the matters like this, envisages that the cases may be considered for second or third time. In the case in hand, there may be some substance in the contention that factual position was not correctly appreciated. According to the applicant's counsel, in High School Certificate of 1997, Km. Meenu Sharma is shown as daughter of Late Vinod Chandra Sharma. It appears that due to some inadvertence or some other reasons in declaration, she was shown to be daughter of Mausi. The fact that Km. Meenu Sharma, is an unmarried daughter of Late Vinod Chandra Sharma may ensure to the benefit of the applicant

4. For the aforesaid reasons, the O.A is finally disposed of and the impugned communication dated 21.05.2004 is quashed with direction to respondent No. 3 to ensure that the case of the applicant for compassionate appointment is reconsidered once more in the light of relevant guidelines within a period of four months from the date a certified copy of this order is produced before him and he is informed about the result of such reconsideration. No order as to costs.

(KHEM KARAN)
VICE-CHAIRMAN

/Anand/