

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.415/2006

TUESDAY, THIS THE 18th DAY OF APRIL, 2006

HON'BLE MR. A.K. BHATNAGAR ... MEMBER (J)

Smt. Sudama Devi,
Aged about 36 years,
W/o late Agam Nath Yadav,
R/o - Village Hafiz Nagar,
District - Gorakhpur.

Applicant

(By Advocate Shri Rajeev Trivedi)

Vs.

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Post,
Dak Bhawan,
Sansad Marg,
New Delhi.

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

3. Post Master General,
Gorakhpur.

4. Senior Superintendent of Post Offices,
Gorakhpur Division,
Gorakhpur.

Respondents

(By Senior Standing Counsel Shri S. Singh)

ORDER

Hon'ble Mr. A.K. Bhatnagar, Member (J):

By this O.A. the applicant has prayed for a direction to the respondents to appoint her on compassionate grounds and dying in harness Rules. By way of interim relief, the applicant has also prayed for a direction to the respondents not to terminate the applicant from services till her representation is decided by Respondent No.2 for compassionate appointment under dying in harness rules.

[Signature]

2. The brief facts giving rise to this O.A. are that the husband of the applicant Agam Nath Yadav, while working on the post of G.D.S.M.P. Gulriha Bazar, Gorakhpur, died in harness on 13.08.2004. The applicant is stated to have moved an application to the Respondent No.4 for appointment on compassionate grounds. Thereafter, she moved a representation before the Respondent No.2 to this effect. The counsel for the applicant submits that considering the hardship faced by the applicant, the Respondent No.4 gave her appointment on compassionate grounds for a period of one year by order dated 21.04.2005 and the same is going to expire on 23.4.2006. The applicant is a poor lady having two daughters and one son and all are minors. The counsel for the applicant submits that the applicant will be satisfied if her representation filed as Annexure-2 dated 1.9.2004 followed by a reminder dated 30.10.2004 is decided by the competent authority within a stipulated period. The counsel further pointed out that in a similar case in O.A. No.310/2005, the following order was passed by this Bench of the Tribunal:

"The present O.A. has been filed for seeking directions to the Respondents not to terminate the services of the applicant till the pendency of the representation before the Respondent No.2. Counsel for the applicant submitted that after the death of applicant's father on 16.10.2002, the applicant was appointed as G.D.S. for a period of one year. The tenure of one year has come to an end on 18.3.2005. His submission is that his case for compassionate appointment is pending with the Respondent No.2. He submits that the applicant may be allowed to continue as G.D.S. at Siswa Maniraj till the disposal of his representation.


2. I think the interest of justice would be better served if the Respondents are directed to consider the representation dated 22.1.2005 filed by the applicant which is at Annexure No.9 of the O.A.

3. Under the facts and circumstances stated above, the O.A. is disposed of at the admission stage itself with a direction to the Competent Authority to consider and decide the representation of the applicant by a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order to be passed and

communicated to the applicant. It is also provided that the applicant may be allowed to continue to work as GDS at Siswa Maniraj."

and accordingly, the applicant is also entitled for the same relief.

3. After hearing the counsel, I am of the view that this O.A. can be disposed of at the admission stage itself with a direction to the competent authority to consider and decide the representation of the applicant by a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. In the interest of justice, it is also provided that till then, the applicant may be allowed to continue to work on the post she is working at present.


(A.K. BHATNAGAR)
MEMBER (J)

psp.