

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH**
ALLAHABAD

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 1232 OF 2007.

ALLAHABAD this the 22nd day of **May, 2009.**

Mahendra Kumar, Son of Late Sharman Lal dohre, R/o Village
and Post-Sachendi, District-Kanpur. Applicant

Versus

1. Union of India through Secretary
Ministry of Communication, Department of Posts,
New Delhi.
2. The Chief Post Master General,
U.P. Circle, Lucknow-126 001.1
3. The Post Master General,
Kanpur Region, Kanpur. 208 001.
4. The Senior Superintendent of Post Offices,
Kanpur City Division, Kanpur-208 001.
..... Respondents.

Advocate for the applicant: Sri S.K. Bahadur
Advocate for the Respondents : Sri S.C. Mishra
Sri S. Singh

ORDER

Learned counsel for the applicant vehemently argued that
deceased employee died on 25.12.2003 leaving behind his
widow , three sons and one daughter. Thereafter an application
was made for appointment on compassionate grounds on
17.03.2004, which the respondents have rejected.

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2. On the other hand learned counsel for the respondents submitted that family of the deceased employee is getting Rs. 5000/- as family pension and case of the applicant for appointment on compassionate grounds has duly been considered by the Circle Relaxation Committee and after due consideration of the case of the applicant on merits rejected the case of the applicant. He also submitted that finding of the expert body i.e. C.R.C is not open to judicial review. Learned counsel for the respondents would further contend that the father of the applicant died on 25.12.2003 and in view of the decisions rendered by Hon'ble Supreme Court in the case of **Union Bank of India Vs. M.T. Latheesh- 2006(7) SCC 350, State of J & K and Ors. Vs. Sajad Ahmed Mir - 2006 (5) SCC 766 and National Institute of Technology Vs. Niraj Kumar Sing - 2007(1) SCC (L&S) 668**, appointment on compassionate grounds cannot be granted to the dependent after lapse of sufficient time of the death of an employee. As per the decision of Hon'ble Apex Court rendered in State of J & K (Supra), in which it has been held that 'once it is proved that inspite of the death of the breadwinner, the family survived and substantial period is over, there is no need to make appointment on compassionate grounds at the cost of interest of several others ignoring the mandate of Article 14 of the Constitution.

3. Having ^{heard} learned counsel for both sides, I am in full agreement with the arguments advanced by learned counsel for the respondents. In the instant case, the father of the applicant died in the year 2003 and the applicant filed this O.A in the

year 2007 i.e. after more than 4 years of the death of deceased employee. Now we are in 2009 and the family has survived during all these period.

4. With the above observations and decisions rendered by the Hon'ble Apex Court (referred to above), I find no merit in the case. Accordingly the O.A is dismissed with no order as to costs.

Anand
MEMBER- J.

/Anand/