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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 23rd day of JULY 2007.

Original Application No. 473 of 2007.

Hon'ble Mr. K.S. Menon, Member (A)

Alok Kumar Singh Chauhan, S/o late Surendra Pal Singh Chauhan, R/o Malkhanpur Post Rasoolabad Distt: Kanpur Dehat, Presently residing At 25-K Block Yashoda Nagar, Kanpur.

... Applicant

By Adv: Sri V.S. Chauhan

V E R S U S

1. The Union of India through Ministry of Communication New Delhi through its Secretary, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, UP Region, Lucknow.
3. The Superintendent Rail Mail Services Kanpur Mangal, Kanpur.
4. The Assistant Director (Recruitment), Department of Posts, Office of Chief Postmaster General, UP Region, Lucknow.

... Respondents

By Adv: Sri S. Singh

O R D E R

Sri V.S. Chauhan learned counsel for the applicant states that applicant Alok Kumar Singh Chauhan is the son of late S.P.S. Chauhan, Sorting Assistant in Kanpur Mandal of Railway Mail Services Kanpur, who died in harness on 09.08.2001. The applicant's case for grant of compassionate appointment was not acceded by the respondents. He,

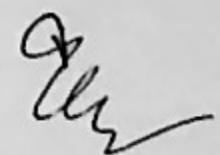
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therefore, filed OA No. 755 of 2006 before this Tribunal, which was disposed of on 24.07.2006 with the direction to respondent No. 3 to ensure that the request of the applicant, whether made by him or his mother, for compassionate appointment is considered in accordance with rules and decision be taken within a period of four months from the date a certified copy of this order is produced before him.

2. The respondents disposed of his case by speaking order dated 19.03.2007. Aggrieved by this order and the fact that the order was not passed within a period of four months as directed by this Tribunal, the applicant filed Contempt Application No. 23 Of 2007 before this Tribunal, which is still pending. On 02.04.2007 the respondents had again informed the applicant that his case has been considered on 16.01.2007 and 18.01.2007 and his case was not found fit for granting compassionate appointment. Being aggrieved by this letter the applicant filed the present OA seeking that the direction be issued by this Tribunal to the respondents to provide him compassionate appointment on Class III post as per rules.

3. Heard the submission made by the counsel for the applicant and the respondents. It is seen that in accordance with the direction of this Tribunal dated 24.07.2006 the respondents have passed a very

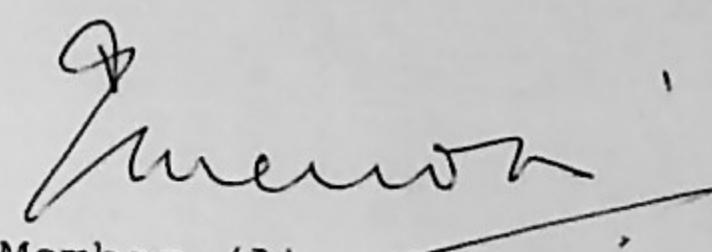


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detailed and speaking order intimating as to how compassionate appointment cannot be granted to the applicant. It is also seen that his case has been considered on more than 03 occasions. The respondents have also mentioned in the speaking order that as per Apex Court ruling the compassionate appointment cannot be granted after a lapse of considerable period and has cited the case of **Umesh Kumar Nagpal Vs. State of Haryana and others [JT 1994 (3) SC 525.**

4. I am of the opinion that once the case of the applicant has been considered by the respondents on more than 03 occasions and they have passed reasoned and speaking order no further action lies on the part of the respondents besides when the Contempt Petition filed by the applicant being aggrieved by the above speaking order is pending before this Tribunal, this OA is not maintainable. Further the relief sought in this OA i.e. to direct the respondents to provide compassionate appointment to the applicant is not within the jurisdiction of this Tribunal. Since this action has already been taken by the respondents and the Contempt Petition is pending, this OA is not maintainable. Accordingly this OA is dismissed. No cost.

/pc/


 Member (A)