

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

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

Original Application Number. 508 OF 2007.

ALLAHABAD this the 19th day of September, 2008.

Kuldeep Rajauriya, S/o Late Ram Bharose Lal, Resident of Himayunpur,
District- Firozabad, U.P.

VERSUS

.....Applicant.

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, Sansad Marg, Government of India, New Delhi .
2. The Chief Post Master General, U.P., Lucknow.
3. Senior Superintendent of Post Offices, Agra Region, Agra.
4. Superintendent of Post Offices, Mainpuri Division, Mainpuri.
5. Assistant Director (Rectt.), Department of Posts, office of the Chief Postmaster General, U.P. Circle, Lucknow.

.....Respondents

Advocate for the applicant: Sri Yogesh Agarwal

Advocate for the Respondents : Sri R.K. Srivastava

ORDER

Through the instant O.A the applicant has prayed for quashing of the impugned order dated 12.02.2007 passed by the Assistant Director (Rectt.), Department of Posts, Office of the Chief Post Master General, U.P. Circle, Lucknow.

2. Learned counsel for the applicant has argued that earlier the applicant filed O.A No. 71 of 2003 (Kuldeep Rajauriya Vs. U.O.I. & Ors.), which was disposed by the Tribunal vide judgment dated 18.08.2005 with following observations: -

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"..... Under the normal circumstances, we would have perhaps dismissed the O.A. However, it is to be observed here that in this case as the applicants mother promptly applied for compassionate appointment immediately after the demise of her husband but she was not appointed at the time when she applied, though with a request that on her son attaining majority he may be offered the appointment, the case stands in different footing. Had she been considered and appointed at the relevant point of time, the same would have certainly mitigated the hardship the family is facing. As such, keeping in view this peculiar situation, the case had to be considered. Though once the applicant's case has been rejected, it may be considered in the next two rounds and if compared appointment to any of the available post, subject to fulfillment of the requisite qualification. With this observation, the O.A is disposed of."

3. It has been contended by the learned counsel for the respondents that in compliance of the Tribunal's order (referred to above), the case of the applicant was considered by the Circle Relaxation Committee but could not be approved. Learned counsel for the respondents vehemently ~~was~~ argued that without waiting for the result of second round of consideration, the applicant has filed the present O.A and as such it deserves to be dismissed being premature.
4. A perusal of the impugned order dated 12.02.2007, it is found that the observation made by the Tribunal in order dated 18.08.2005 (referred to above) has not been complied with by the respondents. The case of the applicant has not been considered in accordance with the observation made in the order dated 18.08.2005. The case of the applicant has been rejected on the ground of delay.
5. In view of the observations made above, the impugned order dated 12.02.2007 is set aside. The respondents are directed to ^{Raw} consider the case of the applicant in the light of observations made in judgment dated 18.08.2005 within a period of three months.
6. There will be no order as to costs.

Anand
MEMBER-J.

/Anand/