

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD**

Original Application No. 708 of 2007

Allahabad this the 30th day of November, 2009

Hon'ble Mr. Ashok S. Karamadi, Member-J

1. Smt. Asha Devi, W/o Late Sri Hari Shankar II.
2. Shailendra Kumar Khatri, Son of Late Sri Hari Shankar II.

Both are residents of 1/11, G.P.O. Compound, Pratap Pura,
Agra.

By Advocate: Shri M.K. Upadhyay

.....Applicants

Vs.

1. Union of India through Secretary, Ministry of Communication,
DAK Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent, R.M.S., 'X' Division, Jhansi.

By Advocate: Shri N.C. Nishad


-----Respondents

ORDER

By Hon'ble Mr. Ashok S. Karamadi, Member (J)

Heard Sri M.K. Upadhyay, learned counsel for the applicants
and Sri N.C. Nishad, learned counsel for the respondents. Perused the
pleadings on record.

2. The grievance of the applicants is that even though the
respondents have considered the case of the applicants for
compassionate appointment, have failed to give benefit in accordance
with the Guidelines and Circulars issued by the department and
rejection of the case of the applicants by a non-speaking order, cannot

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be sustained. Learned counsel for the respondents relying upon the Counter Affidavit makes his submission that the respondents' authorities have considered the case of the applicant in accordance with guidelines and the office memorandum and the applicable rules, and also the decisions on the subject.

3. In view of above submissions made by learned counsel for both sides and after perusal of impugned orders, it is clear that the impugned orders have been passed mechanically without application of mind. Even though the Counter Affidavit was filed by the respondents but it is only general, stating how the cases related to compassionate appointment are to be considered by respondents' department and the respondents have not mentioned anything particularly how the applicant is placed with other similarly situated candidates for considering his case. As the respondents have passed the orders mechanically, and there appear no application of mind in considering the case of the applicants, same are not sustainable in the eye of law.

4. In view of the foregoing reasons, the impugned orders are set aside. The respondents are directed to pass a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of a certified copy of this order. With these directions, O.A. stands allowed. No order as to costs.



[Ashok S. Karamadi]
Member 'J'

/M.M/