

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 03/2010

**Date of decision: 04.05.2011**

**CORAM**

**Hon'ble Mr. Justice Syed Md Mahfooz Alam, Judicial Member.**

Parag Joshi son of Shri Goverdhan Lal,  
aged 26 years, 139, A Block, Punarwas Colony,  
Village Sagwada, District Doongerpur;  
Shri Goverdhan Lal, Ex-Mail Overseer, Post Office,  
Banswara.

: Applicant.

Rep. By Mr. Vijay Mehta : Counsel for the applicant.

**Versus**

1. Union of India, through the Secretary to the government, Ministry of Communication, (Department of, Post) Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.  
: Respondents.

Rep. By Mr. M. Godara proxy for Mr. Vinit Mathur, counsel for respondents.

**ORDER**

**Per Mr. Justice S.M.M. Alam, Judicial Member.**

*Signature*  
Applicant Parag Joshi s/o late Sh. Goverdhan Lal (deceased employee who was working as Ex-Mail Overseer; Post Office at Banswara) has preferred this application for his appointment on compassionate grounds in place of his father who died in service.

2. The brief facts of the case are as follows:-

Late Sh. Goverdhan Lal was the father of the applicant. He was a permanent employee of the respondent department working on the post of Mail Overseer at Banswara Post Office. The said Sh. Goverdhan Lal while in active service died on 22.2.2008 leaving his family members in

penury and without any means of livelihood. He left behind him his two sons and his widow. Applicant is one of his sons. It is stated that there is no earning member in the family of the deceased and there is urgent need of appointment of the applicant on compassionate grounds.

3. It is stated that immediately after the death of the applicant's father, his mother submitted application on 27.2.2008 for giving appointment to the applicant on compassionate grounds, but when no order was passed the applicant preferred O.A. No. 190/2009. However, after filing of the said O.A. the respondents passed order on the application of the applicant filed for compassionate appointment and by order dated 22.9.2009 (Annexure A/1) the respondents rejected the application. The said order (Annexure A/1) is under challenge on the ground that the said order was passed in violation of the instructions contained in O.M. dated 09.10.1998 (Annexure A/2) as such the applicant has prayed to quash the order dated 22.9.2009 (Annexure A/1) and to issue direction to the respondent to give appointment to the applicant on compassionate basis.

4. On filing of the application notices were issued to the respondents, and the respondents appeared through their Lawyer, but when no reply was filed by the respondents in spite of several opportunities the matter was heard in order to finally dispose of the O.A.

5. Sh. Vijay Mehta, Learned Advocate appeared on behalf of the applicant whereas on behalf of respondents proxy counsel Sh. M. Godara, Advocate appeared and argued the case.

6. It has been submitted by the Learned Advocate of the applicant that the applicant had alleged in his O.A. that the impugned order

(Annexure A/1) was passed by the respondent without considering the instructions contained in Annexure A/2 and so it would be just and proper for this Tribunal to issue direction to the respondent to re-consider the application of the applicant for compassionate appointment in the light of instructions contained in Annexure A/2. The Learned Advocate appearing on behalf of respondents did not oppose the prayer of the applicant's Lawyer rather conceded that such directions can be issued to the authorities.

7. Considering the submissions of both the Lawyers I am of the view that it would be just and proper to quash and set aside the impugned order and to issue direction to the respondents to re-consider the case of applicant for fresh appointment in the light of instructions contained in Annexure A/2.

8. In the result, this O.A. is allowed and Annexure A/1 is hereby quashed and respondents are directed to reconsider the application of the applicant for compassionate appointment in the light of instructions contained in Annexure A/2 and pass a detailed and reasoned order in respect of the application for compassionate appointment of the applicant within a period of 6 months from the date of receipt/production of copy of this order. No costs.



**[Justice S.M.M. Alam]  
Judicial Member**

sk