

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.554/94

Friday, this the 15th day of April, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

BJ Premkumar,
Postman, West Hill Post Office,
Calicut—673 005.

....Applicant

By Advocate Shri MR Rajendran Nair.

Vs.

1. Union of India represented by
Secretary, Ministry of Communications,
New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum.
3. The Director General, Posts,
Dak Bhawan, New Delhi.

....Respondents

By Shri Lakshmi Narayanan, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant submits that he should have been appointed as a Postal Assistant, and not as a Postman. His father died in harness. He applied for compassionate appointment and he was appointed as a Postman. According to applicant, under the rules then in force, he should have been appointed as Postal Assistant.

2. We do not propose to express our opinion on any of the contentions, as the same issue is pending consideration before third respondent. Annexure A7 and A8 are the representations in this behalf made by applicant. We allow applicant to make a comprehensive

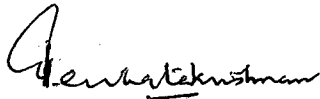
contd.

representation in place of Annexure A7 and A8 within one month from today. If such a representation is made, third respondent will take a decision thereon within six months of the date of receipt of the representation. We would only say that compassionate appointment need not be restricted to the lowest post nor need it be made to the highest post for which an applicant is qualified. These are matters in the discretion of the authority. Depending on the qualification of the applicant, circumstances under which he applies, prevailing conditions in the job market, availability of posts, rival claims, and such imponderables, the competent authority is free to take a decision. At the same time, such decisions should not be arbitrary or patently unreasonable. We would only make it clear that the third respondent will be free to take an appropriate decision in the matter.

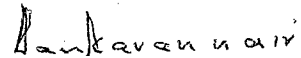
3. With these directions, we dispose of the application.

No costs.

Dated the 15th April, 1994.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN