

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.ANo. 597/2003

Lucknow this the 16th day of July, 2004.

HON. SHRI M.L. SAHNI, MEMBER(J)

Yamuna Prasad Singh, aged about 46 years, son of late Ram Kedar Singh, Ex GDSMP Village and Post Arsath, Faizabad.

Applicant.

By Advocate Shri Surendran P.

versus

1. Union of India through the department Post New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director of Postal Services, Lucknow Region, Lucknow.
4. Senior Superintendent of Post Offices, Faizabad.
5. Sub Divisional Inspector (P) East Sub Division Faizabad.

Respondents.

By Advocate Shri G.S. Sikarwar.

O R D E R

The applicant, in this O.A has challenged the order dated 28.2.2003 (Annexure 1) whereby the Circle recruitment Committee on compassionate grounds declined to recommend his case for the following reasons:

- "1. There is no minor child or marriageable daughter as liability.
2. The family has four grown-up sons.
3. The family has agricultural land of 794 Hact, having annual income of Rs 57,600/-"

2. Aggrieved by this action the present O.A. has been filed on 23.12.03 on the following grounds:-

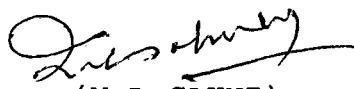
- a) that the action of the respondents is against the directions contained in D.G. Posts' letter dated 2.2.1994, (b) that the order contained in Annexure -1

is an outcome of non-application of mind; (c) that the entire agricultural income of the brothers of the applicant has also ^{been} taken in to consideration for rejecting the claim of the applicant; (d) that the applicant has an income of Rs 1200/- from the agricultural land which is insufficient to maintain his family including his widowed mother; (e) that the case of the applicant has not been considered properly and on the basis of directions of Hon'ble Supreme Court.

3. The respondents who filed their Counter Reply, detailed the circumstances and referred to the case-law on compassionate grounds as laid down by the Apex Court and Govt. instructions regarding consideration of request made by the wards of deceased employees dying in harness, justified their decision taken by the C.R.C. vide impugned order (A-1). However, they submitted that as a special case, selection for appointment on compassionate grounds has been approved by the Chief P.M.G. U.P. Circle Lucknow vide letter dated 1.3.2004 (Annexed to the Counter reply) and prayed for dismissal of the O.A. alleging that the same is misconceived.

4. I have heard the learned counsel for the parties and have examined the letter dated 1.3.2004 which is issued subsequent to filing of the O.A. on 23.12.2003. Hence the O.A. cannot be dubbed as misconceived, though it becomes infructuous because of the approval of the candidature of the applicant for appointment on compassionate grounds vide letter dated 1.3.2004. This letter, rather vindicates his claim for such appointment as raised in the present, O.A.

5. The O.A. is, however, liable to be dismissed having become infructuous. I dismiss the same but without any order as to costs.


(M.L. SAHNI)
Member (J)

S.A.