

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. 42/06

Lucknow this the 4th day of December, 2006.

Hon. Mr. M. Kanthaiah, Member (J)

Vivek Kumar, aged about 25 years, son of Late Munshi LI, resident of 4/76, Vikas Nagar, Lucknow.

Applicant.

By Advocate Shri Deepak Shukla for Shri Pankaj Agnihotri

Vs.

1. Union of India through Secretary, Department of Post, New Delhi.
2. The Chief Post Master, GPO Lucknow.
3. Circle Relaxation Committee through Chief Post Master General U.P. Circle Lucknow.
4. Circle Relaxation Committee, through Chief Post Master General U.P. Circle, Lucknow.

Respondents.

By Advocate Shri D.P. Singh.

Order

By Hon. Mr. M. Kanthaiah, Member (J)

1. The applicant has filed the Original application with a prayer to quash the impugned order of the respondents dated 22.10.05 (Annexure-1), rejecting his claim for compassionate appointment and for direction to consider his case for appointment on compassionate grounds with following averments.
2. The applicant's father Munshi Lal while working as Postal Assistant in G.P.O. Lucknow died on 25.2.02 leaving behind his widow Smt. Rama Devi and the applicant Vivek Kumar who was minor. Subsequently, his grand father Chaudhary filed regular suit No. 76/92 on the file of Civil Judge (SD) Hardoi for grant of succession certificate on the death of his father, but the same was




dismissed on 6.12.99. Then her mother made representation to the respondents for appointment of her son (applicant) on compassionate grounds. Subsequently, after attaining the age of majority, the applicant also submitted application dated 27.6.01 (Annexure-4). He also filed O.A. 504/05 on the file of this Tribunal for a direction to the respondents for compassionate appointment but during the pendency of the said O.A., the respondents have communicated the impugned order dated 22.10.05 (Annexure-1) rejecting his claim and in those circumstances, he had withdrawn the said O.A. No. 504/05 with liberty to file fresh application (Annexure-9) as such he filed the present O.A. questioning the validity of impugned order dated 22.10.05 stating that the respondents rejecting the claim of the applicant in an arbitrary, unfair and mechanical manner without considering the actual financial condition of the family and hence prayed to quash the same and to issue direction for reconsideration.

2. The respondents have filed Counter denying the claim of the applicant and stated that Circle Relaxation Committee (Committee) constituted in accordance with instructions of the Directorate letter dated 24.9.89 (CR-1) after considering the Representation of the applicant in his meeting held on 10th, 11th and 12th March, 05, passed the impugned order as per rules and instructions and thus stated that there is no irregularity in rejecting the claim of the applicant.

3. Heard both the sides.

4. The point for consideration is whether the applicant is entitled for relief as prayed for.



5. There is no dispute in respect of death of Munshilal, father of applicant and thereafter the case was filed by grand father of the applicant for issuance of succession certificate and after disposal of the same the applicant, alongwith his mother made representations for appointment of applicant on compassionate grounds and also filed earlier O.A. No. 504/05 and its withdrawal and thereafter filing of this O.A. when the third respondent communicated the impugned rejection order during the pendency of earlier O.A. 504/05.

6. The short question involved in this application is whether the third respondent who rejected the claim of the applicant for his appointment on compassionate grounds passed the impugned Annexure-1 arbitrarily in a mechanical manner without considering the actual conditions of family and on other grounds he questioned the impugned order.

7. The operative portion of the impugned order Annexure - 1 is as follows:

"Your case was considered by the Circle Relaxation Committee in its meeting held on 10,11 and 12.3.2005. Keeping in view of the various instructions on the subject issued by the Nodal Ministry and the circumstances of the family of deceased employees (financial condition, social liabilities etc.) and availability of vacancies for compassionate quota"

8. From the perusal of the operative portion of the impugned order it is clear that the respondent No. 3 has not discussed the family background of the applicant, his income and the reasons on which he was not entitled for compassionate appointment. Without furnishing any of those details and also without discussion, he simply rejected the representation of the applicant on the ground that the committee has not

recommended the case of the applicant for compassionate appointment, which is in cyclostyled proforma. When the respondents rejected the representation of the applicant, it must be in a position to show what are the reasons and grounds under which his claim was rejected by the authority, such details are missing in the impugned order.

9. In view of the above circumstances, the impugned order passed by the third respondent is not at all a reasoned order and it is liable to be quashed. Thus, the applicant proved his claim for quashing the impugned order.

10. In the result, the O.A. is allowed quashing the impugned Annexure -1 dated 22.10.05 rejecting the claim of the applicant for his appointment on compassionate grounds, and with a direction to the respondents to reconsider the said representation of the applicant and pass reasoned order as per rules and instructions of the department. 4 months time is granted. No costs.

Member (J)

s.a.

6.12.06