

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.184/2006
This the 4th day of March 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Ashok Kumar Yadav, aged about 29 years, Son of Late Binshu Yadav, resident of House N.8/603, Vikas Nagar, Lucknow, U.P.

...Applicant.

By Advocate: None.

Versus.

1. Union of India through the Secretary, Department of Postal India, New Delhi.
2. Chief Postmaster General, G.P.O., Lucknow.
3. Chief Post Master, G.P.O., Lucknow.

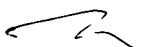
... Respondents.

By Advocate: Shri Vishal Choudhary for Km. Asha Choudhary.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed this OA to quash the impugned rejection order covered under Annexure-A-1 Dt. 27.04.2005 and also Annexure-CA-1 Dt. 11.06.2006 on the ground that the authorities rejected his case for appointment on compassionate ground without any reasons and also on the ground that they have not considered it properly.



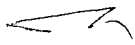
2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that the authorities have passed reasoned order while rejecting the claim of the applicant for compassionate appointment and thus there are no justified circumstances for interference of this Tribunal.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and also reiterating her pleas in the OA.

4. Heard both sides.

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

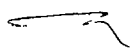
6. The admitted facts of the case are that father of the applicant Late Binshu Yadav died on 23.10.2003, while working as Deputy. Post Master, G.P.O, Lucknow leaving behind his wife 2 sons namely Master Chinta Mani and Ashok Kumar Yadav (Applicant). Thereafter, the applicant made representation Annexure A-4 Dt. 31.12.2003 to the respondent authorities for compassionate appointment. His mother and brother also furnished their affidavits in support of the applicant and informed their no objection for appointing the applicant on compassionate appointment. Annexure-5 and Annexure-6 are the copies of the Affidavits of his mother and brother. The applicant also sent illness certificate of his mother showing that she fell ill covered under Annexure-A-7. But after considering the claim of the applicant the respondent authorities have rejected the same. Annexure-1 Dt. 27.04.2005 is the copy of said rejection order issued by Respondent No.3. Again, the applicant sent his representation for



re-consideration of his claim through representation under Annexure-8 Dt. 23.06.2005 and Annexure-9 Dt. 05.10.2005. But the respondents have rejected the said claim of the applicant vide Annexure -CR-1 Dt. 11.06.2006, which the applicant challenged by way of amending his OA.

7. The applicant has challenged the impugned order covered under Annexure-A-2 Dt.05.11.2003 and Annexure-CR-1 Dt. 11.06.2006 on the ground that no reasons are assigned for rejection of his claim for his appointment on compassionate ground. No doubt Annexure-A-1 Dt. 27.04.2005 does not show any of the reasons for rejection of the claim of the applicant but the applicant without challenging the same he made representation for re-consideration for such rejection order and when there was no response for his claim for reconsideration, he filed this OA. By way of interim order, this Tribunal directed the respondent authorities for disposal of his pending representation upon which, they have decided and issued the rejection order covered under Annexure-CR-1 Dt. 11.06.2006. In view of the subsequent order passed under Annexure-CR-1, the importance of Annexure-A-1 losses and as such no discussion is required to decide merits of Annexure-A-1.

8. Coming to the recital of Annexure-CR-1 Dt. 11.06.2006, the respondent authorities have given reasons for rejecting the claim of the applicant on the ground that his family received an amount of Rs. 5,97,833/- as terminal benefits and also receiving family pension Rs.3750 + Dearness relief as admissible per month. They also further



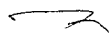
stated that family consisting of widow and 2 sons, who are major and their family also owns a house and also have 0.99 Hec. Agricultural land and by taking note of all those circumstances, the CRC did not recommended the name of the applicant for compassionate appointment in the available vacancies. They also further stated that during the period of three years his claim was not considered for compassionate appointment thus passed rejection order covered under Annexure CR-1 Dt. 11.06.2006, which is a reasoned order and thus there are no merits in the arguments of the applicant that the same is not speaking order or no reason are assigned for rejection of his claim.

9. The applicant counsel also relied on the following decisions stating that the receipt of the terminal benefits does not entitle the legal heirs of the deceased employee for compassionate appointment.

(i). O.A.No.542/2003 on the file of CAT, Lucknow Bench decided on 22.05.2007 between Chitra Sen Verma Vs. Union of India & Others.

(ii). [2003 (21) LCD 531] Allahabad High Court decided on 03.03.2003 between Smt. Padma Pathak Vs. M.D. Punjab National Bank.

10. But the latest judgment of Apex Court reported in the case of **Union Bank of India Vs. M.T. Latheesh, reported in 2006 (8) Scale 145** clearly shows that the terminal benefits shall be taken into consideration, while deciding the claim of compassionate appointment and as such when they rejected the claim of the applicant on the



ground that the family receiving an amount of Rs. 5,97,833/- as terminal benefits and also getting family pension Rs.3750 + Dearness relief as admissible per month etc. is a justified ground and as such, there are no circumstances to interfere with the rejection order passed by Respondent No.3 covered under Annexure-CR-1 Dt. 11.06.2006.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)
04.03.2008

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