

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.196/2007
This the 07 day of May 2008**

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

Smt. Sunita Saxena, aged about 40 years, wife of Late Sri Govind Behari Saxena, resident of Ram Nagar, Laxmi Nagar Yamuna Par Dr. Lohwan Mathura U.P.

...Applicant.

By Advocate: Shri M.K. Srivastava.

Versus.

1. Union of India, Ministry of Communication Department of Post Dak Bhawan Sansad Marg, New Delhi through its Secretary.
2. Office of the Post Master General Agra Region Agra through its Director Postal Services.
3. Chief Postmaster General U.P., Lucknow.
4. Assistant Superintendent Post Office, Mathura.

... Respondents.

By Advocate: Dr. Neelam Shukla.

ORDER


BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed OA under Section 19 of the Administrative Tribunal Act, 1985 for a direction to the respondent authorities for appointment on compassionate ground.

2. The respondent authorities have filed Counter Affidavit, denying the claim of the applicant stating that the applicant is not entitled for compassionate appointment since her deceased husband was awarded punishment of compulsory retirement from service w.e.f. 22.2.2000.

3. The applicant has filed Rejoinder Affidavit denying the stand taken by the respondents and also reiterated 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 the husband of the applicant late Govind Behari Saxena was awarded punishment of compulsory retirement from service w.e.f. 22.2.2000, after conducting due inquiry against him. Annexure-R-1 Dt. 22.2.2000 is the copy of said punishment order. After retirement, he died on 23.3.2000. Thereafter, the applicant, who is widow of the deceased, submitted a representation for her appointment on compassionate ground but the same was rejected by the respondent authorities covered under Annexure-R-3 Dt. 14.8.2001. Thereafter, the applicant has filed this OA, for her appointment on compassionate ground under compassionate scheme on the ground that the charges leveled against her husband are false and fabricated.

7. Admittedly, the deceased Govind Behari Saxena, husband of the applicant was awarded punishment for compulsory retirement from service w.e.f. 22.2.2000 and in such circumstances the applicant is not entitled for any compassionate appointment under the scheme. Further, such representation of the applicant was also rejected by the respondent authorities in the year 2001 itself, covered under Annexure-3. When there was such rejection, the applicant filed the present OA for issuance of direction to consider her claim for compassionate appointment is also not at all maintainable.

8. In view of the above circumstances, the applicant is not at all entitled for the relief of compassionate appointment and as such, the application is liable for dismissal.

In the result, OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER JUDICIAL

09.05.2008