

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.286/2008

This the ^{06th} day of February 2009

HON'BLE MR. M. KANTHAIAH, MEMBER (J) .

Mohd. Husain aged about 30 years S/o Late Yar
Mohd. R/o Village Bangawan, Pargana Burhapur,
Tehsil Mankapur, District Gonda.

...Applicant.

By Advocate: Shri R.K. Kidwai.

Versus.

1. Union of India through Secretary, Department of Post, Telegraph & Communication, Central Civil Secretariat, New Delhi.
2. Superintendent of Post Offices, Gonda Mandal, Gonda.
3. Chief Post Master General, U.P., Lucknow.

... Respondents.

By Advocate: Shri N.H. Khan.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J) .

The applicant has filed the OA with a prayer to quash the impugned rejection order Dt.28.12.2007, rejecting the claim of the applicant for

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compassionate appointment and for direction to the respondent 2 and 3 for his appointment on the post of BPM on compassionate ground. The applicant challenged the impugned rejection order on the ground that their family neither hold land of 0.413 hectares earn the annual income of Rs. 90,000/- and such report which was the basis of the rejection is false one.

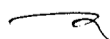
2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that there is no illegality in the impugned order and Circle Relaxation Committee taken decision after considering the claim of the applicant as per rules and regulations.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents.

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 late Yar Mohd., father of the applicant died on 18.9.2003, while working on the post of BPM, Baganwan Gawrachawki, District Gonda. Immediately,



the applicant made application for his appointment on compassionate ground and the same was declined on the ground that there family does not fall within the meaning of indigent and further family own agricultural land 0.413 hectors and also getting annual income of Rs. 90,000/- But, it is the case of the applicant that their family has no such land and they are not getting any such, income and on false report, the authorities have rejected his claim.

7. At the request of the applicant, this tribunal gave direction to the respondents, for production of record more particular revenue record (Khatauni) relating to the family of the applicant and accordingly they produced the same. On perusal of said document shows that they are owning land of 0.4130 hectors and such account shows in the name of the applicant, his brothers, mother and deceased father. The CRC while considering the claim of the applicant for compassionate appointment, taken note of the agricultural land owned by the family of the applicant and income thereon and on that ground, rejected his claim for compassionate appointment on



the ground that the family does not fall within the meaning of indigent condition.

8. From this it is clear that the impugned order (Ann-A-1) is reasoned order based on records which clearly shows that the CRC taken such decision after considering all the aspects of the family of the applicant and their properties and thus there are no justified grounds for interference of this tribunal.

In the result OA is dismissed No costs.


(M. KANTHAIYAH)
MEMBER (J)

06.02.2009

AMIT/.