

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 401/2010

21/9
This the day of September, 2012

Hon'ble Sri Navneet Kumar, Member (J)

Uma Kant Yadav, aged about 19 years, son of late Sri Satya Narain Yadav, resident of Village Sapha Majra Nohrepar, Pargana Amethi, Post Tandwan, District Sultanpur.

Applicant

By Advocate: Sri Sharad Pathak

Versus

1. Union of India through its Secretary, Department of Post and And Telegraph, New Delhi.
2. Director of Accounts (Postal), U.P. Circle, Lucknow.
3. Circle Relaxation Committee through its Chairman, Indian Postal Department, Lucknow.
4. Additional Director (Recruitment), Chief Post Master General Uttar Pradesh, Lucknow.
5. Accounts Officer (Administration), Office of Director of Accounts (Postal), U.P. Circle, Lucknow.

Opposite Parties

By Advocate : Sri R. Misra

(Reserve on 03.08.2012)


ORDER

BY HON'BLE SHRI NAVNEET KUMAR, MEMBER (J)

The present original application is preferred by the applicant under Section 19 of AT Act 1985 with the following relief/s:-

(i) To quash the impugned order dated 04.02.2010, passed by opposite party number 3 so communicated to the applicant vide impugned letter dated 16.04.2010, contained in Annexure Nos. A-1 and A-2 to this Original Application;

(ii) To direct the respondents to forthwith consider the case of the applicant for compassionate appointment in the Department on a suitable post as per his education qualification;



(iii) Any other appropriate order which this Hon'ble Tribunal may deem just and necessary in the facts and circumstances of the case may also be passed and

(iv) To allow this Original Application with costs.

2. The brief facts of the case are:

That the applicant's father who was working as Class-IV employee died in harness on 26.11.1998. After the death of the applicant's father the mother of the applicant was assured by the respondents that as soon as his son will attain majority. He would be considered for appointment on compassionate ground. After attaining the majority, the applicant submitted an application for appointment on compassionate ground on prescribed format. The applicant's matter was referred by the authorities for compassionate appointment along with 21 other persons. Subsequently, the applicant came to know that he was not considered for appointment and his claim was rejected by the Circle Relaxation Committee. Feeling aggrieved of the said decision of the respondents, the applicant preferred the original application.

3. The learned counsel appearing on behalf of the respondents filed their counter reply and through their counter reply the respondents vehemently opposed the averment made in the original application and submitted that the compassionate appointment scheme is applicable to a dependent family member who dies while in service or is retired on Medical grounds. The respondents pointed out that the case of the applicant is considered by the Circle Relaxation Committee constituted by Govt. of India and the object of the scheme is to help the family to get out of the emergency, which is indigent and deserves for the need for financial destitution such appointment can be provided only 5% of the vacancies falling vacant.

4. The learned counsel appearing on behalf of the applicant filed their rejoinder and in the rejoinder mostly the averment made in the original application are reiterated.

5. Heard learned counsel for the parties and perused the records.

6. The applicant's father who was in service who died in harness in 1998 and at the time of death of the applicant's father the applicant's mother made application for compassionate appointment. After attaining the majority the applicant's mother made an application in the prescribed format for appointment for compassionate appointment but the said application was rejected by the respondents on 04.02.2010. Mentioning therein that the case of the applicant was considered by the Circle Relaxation Committee and Circle Relaxation Committee considered the retrial benefits grant to the family of the ex-employee and rejected the claim of the applicant. This Tribunal in OA No. 448/2001 considered the ground of rejection taken by the respondents. In the said OA the Tribunal dealt with the decision rendered in **Govind Prakash Verma vs. LIC 2005 (10) SCC 289**, **Hari Ram vs. FCI 2009 (3) UPLBEC 2212** and **Mukesh Kumar vs. Union of India 2007 (8) SCC 348**. Considering the decisions of Hon'ble Apex Court as well as Hon'ble High Court the ground of rejection taken by respondents is not a good ground.

7. Accordingly, considering the decision mentioned above a direction may be issued to the respondents to consider the case of the applicant for appointment on compassionate ground. The same shall be done within a period of 3 months from the date the certified copy of the order is produced and the decision so taken be communicated to the applicant.

8. With the above observation the OA is disposed of. No order as to costs.

V. R. Agrawal
(Navneet Kumar)
Member (J)