

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.249/2003.

this the day of 18.7.2003.

HON'BLE SMT. SHYAMA DOGRA, MEMBER (J).

Surjeet Rawat,
aged about 23 years,
S/o Late Sri Ram Rawat,
R/o C/o Smt Shakun, House No.
515/Ka/18, Naya Baba Ka Purwa,
Paper Mill Road, Nishatganj,
Lucknow.

... Applicant.

By Advocate:- Sri Anurag Srivastava.

Versus.

Versus.

Union of India,
through its Secretary,
Post & Telegraph,
Central Secretariat,
New Delhi.

2. Chief Post Master General,
U.P., P.M.G., Office.
Lucknow.

3. Director,
Postal Services,
Office of P.M.G.,?
M.G. Marg,
Lucknow.

... Respondents.

By Advocate:- Sri G.S. Sikarwar.

...2...

Shyama

O R D E R (ORAL)

HON'BLE SMT SHYAMA DOGRA, MEMBER (J).

Sri Anurag Srivastava, Learned Counsel for applicant. Sri G.S. Sikarwar, Learned Counsel for respondents.

2. This O.A. has been preferred by Surjeet Rawat son of deceased employee for his appointment on compassionate ground for the reasons that his father, who was convicted by the Trial Court and ^{Consequently he} was compulsorily retired from the department, on preferring the Criminal Appeal before the Hon'ble High Court, he had been acquitted on 31.7.2002.

3. It is pertinent to mention here that during the pendency of Criminal Appeal No.30/1985 connected with Criminal Appeal No.38/1985, the father of the applicant died on 15.11.1995. However, Smt Shukun, wife of the deceased employee has made a representation to the Director General (Post), Dak Bhawan, New Delhi vide Annexure-8 dated 18.11.2002 requesting therein for the appointment of her son Sri Surjeet Rawat on compassionate grounds in view of the fact that her deceased husband has been acquitted by the Hon'ble High Court in the said Criminal Appeal vide Annexure-6 to the O.A. The mother of the applicant has also sent copy of the aforesaid order of Hon'ble High Court alongwith representation for appropriate steps ~~is~~ to be taken by the respondents in this regard. *The representation of the applicant is still pending.* *Sgt*

4. I have heard Learned Counsel for the parties and gone through the relevant records, I am of the considered opinion that the matter can be disposed of at the admission stage in the interest of justice as the respondents have to take steps by reviewing earlier order of punishment being imposed on the deceased employee and only thereafter they can pass

Sgt

some appropriate order to consider the case of the applicant for his appointment on compassionate grounds subject to his eligibility and other legal position *on the subject.*

5. In view of this, since the respondents have not taken any action as aforesaid, therefore the competent authority is directed to pass appropriate orders ^{*on her representation*} in view of the acquittal order passed in the above referred Criminal Appeal, whereby the deceased employee (Father of the applicant) has been acquitted and thereafter consider the case of his appointment on compassionate ground if he is otherwise found suitable and eligible as per law by passing a reasoned and speaking order in accordance with law within a period of six months from the date of receipt of the copy of this order. The concerned respondents are also directed to treat this O.A. as representation before passing any order as directed ~~as~~ above which is to be forwarded by the applicant to the respondents within 2 weeks from today. It is needless to say that I have not made any observations so far as merits of the case are concerned.

6. In view of the observations and directions made above, this O.A. is disposed of without any order as to costs.

Shyama Prasad
MEMBER *for*
18/7/03.

Dated:-18.7.2003.
Lucknow.
Amit/-