

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. NO: 243/2004.

This, the 31st day of January, 2007.

Hon. Mr. Justice Khem Karan, Vice Chairman.
Hon. Mr. A. K. Singh, Member(A)

Surjeet Rawat, aged about 25 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 None.

Versus

1. 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 Shri S. P. Singh.

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, V.C.

The applicant is praying that the order dated 27.1.2004 (Annexure-1) passed by opposite party No. 3 by which the request for modifying the penalty Dated 15.10.86 imposed on late Shri Ram was turned down and for giving him compassionate appointment in Class IV.

None has appeared for the applicant
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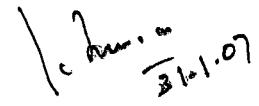
2. Late Shri Ram Rawat, father of the applicant, posted as L.D.C., under the respondents, was involved in a criminal case under Section 307 read with Section 34 of I.P.C. and was, after trial convicted and sentenced vide order dated 17.1.1985 of learned Addl. Session Judge, Lucknow. He preferred an appeal No. 30 of 1985, before Lucknow Bench of Allahabad High Court. While the same was pending, he died on 15.11.1995. Later on that appeal was allowed vide judgment and order dated 31.7.2002 (copy is A-5). The learned Judge, acquitted him, giving benefit of doubt. But before that the applicant's

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father was compulsorily retired on the basis of conviction by trial court. The applicant filed one O.A. No. 249 of 2003 for compassionate appointment, which this Tribunal disposed of vide order dated 18.7.2003 (A-9) directing the respondents to consider his case for compassionate appointment. Impugned order dated 27.1.2004 (A-1) has been passed in compliance of those directions. The main ground taken in this order is that since applicant's father was given benefit of doubt, so there were no good grounds for modifying order dated 15.10.1986.

3. Shri S. P. Singh, has contended that the order dated 15.10.1986, has not been challenged and so long as that order holds the field, the question of compassionate appointment does not arise. He has also argued, that acquittal of applicant's father was not honourable one, so the respondents were fully justified in passing the impugned order. We agree with Shri S.P. Singh. We find no infirmity in order-dated 27.1.2004. The O.A. is dismissed but no order as to costs.


Member (A)


Vice Chairman