

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 240/2005

this the 8<sup>th</sup> day of Sept., 2006.

HON'BLE SHRI JUSTICE KEHM KARAN, VICE CHAIRMAN

Anand Kumar Singh son of late Shri Amar Bahadur Singh, resident of Village and Post Office Aghiari (Inayat Nagar) Faizabad.

...Applicant

By Advocate: Shri S.P.Tripathi

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Faizabad Division, Faizabad.

**ORDER (ORAL)**

**BY HON'BLE SHRI KHEM KARAN, VICE CHAIRMAN**

The applicant has prayed for quashing the order dated 12.9.2003 by which his request for compassionate appointment, has been rejected and has also been prayed that the respondents be commanded to issue to him a letter of appointment on any post in Class III.

2. The case of the applicant is that his late father Shri Amar Bahadur Singh was Branch Post Master in Post Office Aghiari (Inayat Nagar) Faizabad and he died on 17.7.2001 in harness. It is alleged that he had applied for appointment on compassionate ground, giving all the necessary details and particulars but the same has been rejected by the impugned order, mainly on the grounds that there is no social liability like marriage of daughter and education of minor children, the family has agricultural land of 3.094 Hectare and annual income of the family is more than a lakh per year.

3. The applicant has tried to say that respondents has rejected his request for compassionate appointment on untenable grounds. He says that agricultural land mentioned in the rejection order was the agricultural land in tenure of father of the applicant and his three brothers and so only 1/4<sup>th</sup> of the same namely 1.514 Hect. would come to the family of the deceased. It is also said that a major portion of the said land is unirrigated and by stretch of no imagination, annual income of the family would come Rs 1 lakhs a year. Extracts from the Khatouni have also been annexed to the O.A. It is stated that a per report of the Revenue authorities, the annual income of the family of the deceased comes to Rs. 26,000/- or so. It is also stated that compassionate appointment could not have been refused on the ground that the family of the deceased has no social liability like marriage of sons or daughters or their education.

4. The respondents have filed reply contesting the claim. They have tried to say that the matter regarding the compassionate appointment of the applicant was considered by the Circle Relaxation Committee in the light of the relevant orders on the subject and was rightly rejected on the ground mentioned in the order of rejection. As regards the income certificate relied on by the applicant, they have tried to say that the competent authority to issue such certificate is Tehsildar and not authority lower to him

5. Today none has turned up from the side of the respondents to address the Tribunal so the matter was heard ex parte.

6. According to Annexure No.7, there is only 1.514 Hect. Agricultural land in share of the applicant's father out of which 0.882 is normally submerged in the water and the annual income of the family is about Rs. 26,400/- per year. It appears to the Tribunal that the respondents were swayed by the total agricultural land recorded in the name of father of



the applicant and his brothers and so committed error in passing the impugned order.

7. I have been told by Shri Tripathi that as per the existing instructions issued by the Department of Personnel and Training, Govt. of India such matters are considered thrice by the Circle Relaxation Committee but there is nothing in the reply to say that it was considered thrice.

8. The O.A. deserves to be allowed and the order dated 12.9.2003 rejecting the request of the applicant for compassionate appointment has to be quashed with direction to the respondents to reconsider the matter again in the light of the relevant orders on the subject and the material placed by the applicant touching his request for compassionate appointment.

8. So this Original Application is allowed ex parte and impugned order dated 12.9.2003 is quashed. The respondent No.2 is directed to reconsider the matter again in the light of the observation made above and in the light of the relevant Govt. orders on the subject, within a period of 3 months from the date a certified copy of the order is produced before him.

No order as to costs.

  
(KHEM KARAN)

VICE CHAIRMAN

HLS..