

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

ORIGINAL APPLICATION NO: 624 OF 2005

THIS THE 6th DAY OF JANUARY 2006

HON'BLE SHRI S.P. ARYA MEMBER (A)

Awadhesh Kumar, aged about 34 years, S/o- Late Sri Sahaj Ram,
R/o-Village Kotwa, P.O. Namanau, District-Barabanki.

Applicant.

By Advocate: Shri N.C. Upadhyay

VERSUS

1. Union of India, through the Director General of Post Offices, New Delhi.
2. The Chief Post Master General of the Post Offices, U.P. Circle, Lucknow.
3. The Deputy Regional Inspector of the Post Offices, Distt.-Barabanki.
4. The Superintendent of the Post Offices, Barabanki-Division, Barabanki.
5. The Post Master of the Head Post Office, District-Barabanki.

Respondents

BY Advocate: Shri S.P. Singh for Smt. Manjari Mishra.

ORDER(ORAL)

BY HON'BLE SHRI S.P. ARYA MEMBER(A)

The father of the applicant, who was working as Postman died on 16.8.2002. The application for compassionate appointment on a suitable post was rejected by order dated 28.4.2004. This order is being assailed on the grounds that it violates the provisions of Article 14, 16 and 21 and the family has no source of income by which he could nourish the family.

2. I have heard the learned counsel for both the parties and perused the pleadings on record.

3. It appears that a family pension of Rs. 1982/- per month is being given to the family. DCRG of Rs. 80,000/-, CGIS of Rs. 42,500/-

has been given to the family excluding leave encashment and Welfare Assistant of Rs. 52,080/- and Rs. 7,000/- respectively. An statement filed by the applicant himself, the monthly income of the applicant is Rs. 2953/- per month. The applicant is of 34 years of age.

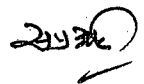
4. M.P. No. 3332/2005 has been moved by the applicant for condonation of delay in filing the Original Application. The impugned order has been passed on 28.4.2004 and the present Original application has been filed on 22.12.2005 after a lapse of 1- ½ years. Grounds taken in the application are not satisfactory and convincing. The O.A. is highly time barred and the Original Application is liable to be dismissed on this ground alone.

5. The counsel for the applicant has heavily relied on Smt. Padma Pathak Versus Managing Director, Punjan National Bank, Head Office, New Delhi and Another reported in 2003 (21) LCD 531 in which it was held that having a self occupied residential house and the receipt of pension along with the receipt of amount of terminal benefits did not disentitle the widow/petitioner of a compassionate appointment. It may be seen that ^{her} ~~re~~z^{al} benefits and financial conditions has not been held to be ignored considering the appointment on compassionate ground. It was held in General Manager (D& PB) and Others Vs. Kunti Tiwary and Another reported in (2004) 7 Supreme Court Cases 271 that terminal benefits received and other movable and immovable property possessed by the family of the deceased employee are to be taken into consideration while granting compassionate appointment. Apparently, the condition of the family is not penurious. Moreover, Department of Personnel and Training by its O.M. dated 5.5.2003 has prescribed the time limit for keeping the matter of compassionate appointment under consideration. It is maximum 3 years. 3 years have already been passed. The matter

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cannot be considered for the compassionate appointment on passing of 3 years. The impugned order clearly shows that the respondent has considered all the relevant factors in accordance with the instructions issued with regard to compassionate appointment. The applicant does not have a prima facie case and his case under the DOP&T instructions, cannot be considered on completion of 3 years.

6. The O.A. is accordingly dismissed without any order as to costs.



(S.P. ARYA)

Member (A)

HLS/-