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**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

**Original Application No.248/2008**  
**This the <sup>05<sup>th</sup></sup> day of June 2009**

**HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.**

Onkar Nath Shukla aged about 35 years, son of Late Sri Mahesh Dutta Shukla resident of Village and Post Ralamau, Tehsil Misrikh, district Sitapur.

...Applicant.

**By Advocate: Shri Amit Verma for Shri A.K. Dixit.**

**Versus.**

1. Union of India through Secretary to Department of Postal Services, Ministry of Communication, Govt. of India , New Delhi.
2. High Powered Relaxation Committee, Directorate of Postal Services through its Chairman, Director General of Post Offices, New Delhi.
3. Circle Relaxation Committee, through its Chairman, Chief Post Master General Uttar Pradesh, Lucknow.
4. Chief Post Master General U.P. Circle, Lucknow.
5. Assistant Director (Rect.) Officer of the Chief Post Master General, U.P. Circle, Lucknow.
6. Superintendent of Post Offices, Sitapur Division, Sitapur.
7. Inspector of Post Offices, (Central Sub Div.) Sitapur

... Respondents.

**By Advocate: Shri Atul Dixit for Shri G.K. Singh.**

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**ORDER**

**BY MR. M. KANTHAIAH, MEMBER JUDICIAL.**

The applicant has filed O.A. with a prayer to quash the impugned order dt. 31.12.2007 (Ann.A-7) and with a direction to the respondents for appointment of the applicant on the post of GDS (ED), Branch Postmaster, Ralamau or any equal suitable post within specified time on the ground that he is entitled for appointment under compassionate scheme after the death of his father but the authorities have rejected his claim, which is illegal and unreasonable.

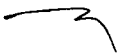
2. The respondents have filed the Counter affidavit, denying the claim of the applicant stating that the authorities have considered the claim of the applicant and passed reasoned order and as such, no justified grounds are there for interference of this Tribunal.

3. The applicant has filed Rejoinder Affidavit denying the stand taken by the respondents and reiterated the pleas of the OA.

4. Heard both sides.


5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The brief facts of the case are that father of the applicant Late Mahesh Dutta Shukla, while working as Branch Postmaster, Ralamau Branch Post Office, Sitapur District died on 24.4.2004 leaving behind 3 major sons including the applicant out of which one son Ram Prakash Shukla is working in Fire Extinguishing Department as Head Constable and settled in Hardoi whereas, third son Sri Srikant Shukla is mentally retorted. The applicant made his representation for his appointment on compassionate ground but Circle Relaxation Committee, who considered the case of the applicant did not consider



his claim for appointment and such decision of Circle Relaxation Committee was also communicated to the applicant vide letter dt. 6.10.2003 (Ann-A-5). Thereafter, the applicant made representation dt. 25.5.2004 (Ann.A-6) to the Respondent No.4 for consideration of his appointment alongwith consent letter of his brother and the same was considered by the Circle Relaxation Committee and decision of the same has been intimated to the application on 10.05.2006 by Respondent No.6 with the finding of rejection of his claim. Thereafter, the applicant filed O.A.No.275/2006, challenging the impugned rejection order dt. 6.10.2006 and 3.5.2006 and the same was allowed directing the respondents to reconsider the case of the applicant for appointment on compassionate ground. Ann.A-9 Dt.18.07.2007 is the copy of judgment and order passed in O.A.NO.275/2006. In pursuance of the direction of the Tribunal, the respondent authorities have reconsidered the claim of the applicant and passed order dt. 31.12.2007 (Ann.A-1), rejecting the claim of the applicant for appointment on compassionate ground, which is under challenge in this OA.


7. In the impugned rejection order dt. 31.12.2007, the respondent authorities have given the following reasons for not recommending the case of the applicant for appointment by Circle Relaxation Committee I,. The case already been considered by a High Powered Committee at Directorate level and was no approved. II. After lapses of more than five years providing immediate assistance is not relevant. As per the advice dated 7.7.2000 from the Department of Personnel & Training, fresh cases should be given preference over past cases so as to help the family which is indigent and deserves



immediate relief from financial destitution to get over the emergency.

III. One son of the deceased is already employed in Fire Police Service. IV. There is neither widow nor marriageable daughter as social liabilities. V. The family has agricultural land of 0.817 hect. and annual income of applicant is Rs. 8000/- (vi). The ex-official expired just before about two months of superannuation date.

8. In the earlier rejection by the Circle Relaxation Committee on 31.7.2003, they have given reasons 3 to 6 as shown in rejection order dt. 31.12.2007. Thereafter, when the Circle Relaxation Committee reconsidered the claim of the applicant in the meeting held in April, 2005 and recommended the name of the applicant for appointment on the post of GDS, BPM, Ralamau, Sitapur and sent the case to Directorate for approval of DG Posts but the High Power Committee and Directorate after consideration of the case did not recommended the case for appointment and thus, rejected. Now by way of the resent rejection order dt. 31.12.2007, it is the case of the respondents that the Circle Relaxation Committee in its meeting held on 6.12.2007 they have reconsidered the claim of the applicant but not recommended the case of the applicant for his appointment by giving altogether 6 reasons in which they have stated that as per the advice dt. 7.7.2000 from the Department of Personnel & Training, fresh cases be given preference when compared to old cases and also stated that on earlier occasion the High Power Committee of the Directorate did not approved the case of the applicant for his appointment and with this, it is clear that the Circle Relaxation Committee has reconsidered the claim of the applicant and they have not recommended the case of the applicant for his appointment



on compassionate ground by giving justified grounds and in such circumstances the respondent authorities have intimated the same to the applicant vide impugned order dt.31.12.2007 (Ann.A-1).


9. Further from the reading of this order, it is also clear that the reasons for rejection of the case of the applicant is not only on the earlier grounds but also with the other new grounds on which they have rejected the claim of the applicant. Thus, there is no force in the arguments of the applicant that the impugned order is not a reasoned one and also to say that it has been issued with same grounds on which they have earlier rejected his claim for appointment is not at all correct.

10. It is the case of the applicant that the respondent authorities have rejected his claim vide order dt. 31.12.2007 (Ann.A-1) with one and the same grounds, which they have taken in earlier rejection order. The learned counsel for the applicant relied on the following decision stating that rejection of the claim of the applicant for compassionate appointment is not at all sustainable **[(2007) 2 UBLBEC 1853] Sheel Devi (Smt) Vs. Managing Director and Others**. In the instant case the respondent authorities have taken six grounds, while rejecting the claim of the applicant for his the appointment on compassionate ground and Circle Relaxation Committee also considered the claim of the applicant by placing three times and when the order of rejection is reasoned one again directing the respondents for reconsideration of the case of the applicant does not serve any purpose.

11. In view of the above circumstances the claim of the applicant either for quashing of the impugned order or for issuing direction to

the respondents to reconsider the claim of the applicant for compassionate appointment since the Circle Relaxation Committee has considered his case for three times and as such, the OA is liable for dismissal.

In the result, OA is dismissed. No order as to costs.

  
**(M. KANTHAIAH)**  
**MEMBER (J)**  
 05.06.2005

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