

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 33/2011

This the 8th day of February, 2013

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Ashish Trivedi aged about 28 years son of late Rajendra Prasad Trivedi, resident of Bazar Khurd, Kasba Momammadi District-Lakhimpur Kheri

Applicant

By Advocate: Sri Y.K. Mishra

Versus

1. Union of India through the Secretary, Govt. of India, Ministry of Posts and Communication, Department of Posts, New Delhi.
2. The Chief Post Master General, Uttar Pradesh Circle, Mahatama Gandhi Marg, Lucknow-226001.
3. The Post Master General, Bareilly
4. The Senior Superintendent of Post Offices, Kheri at Lakhimpur.
5. The Assistant Director of Recruitment, Postal Services, Lucknow Division, Lucknow.

Respondents

By Advocate: Sri Deepak Shukla for Sri Avinash Pal

ORDER (Dictated in Open Court)

HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)

This O.A. has been filed for quashing the order dated 12.2.2010 as communicated vide letter dated 19.2.2010 rejecting the claim of the applicant for compassionate appointment.

2. The case of the applicant is that his father died on 14.8.2003 leaving behind him his widow, son (applicant) and three daughters as named in para 4.04 of the O.A. Though the family received retrial benefits, but a handsome amount was spent on the treatment of the deceased father and his widow (mother of the applicant) who remained ill. The applicant's mother moved an application on 21.8.2004 (Annexure-6) for compassionate appointment in favour of the applicant followed

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by another application dated 19.10.2007(Anneuxre-9) informing that they are living in a dilapidated house and do not hold any agricultural land. But his claim has been rejected by means of impugned order saying that after making comparative study and keeping in view the limited vacancies available for giving compassionate appointment, the committee could not recommend the case of the applicant. Hence this O.A.

3. The respondents have contested the O.A. saying that presently, a family pension of Rs.9724/- per month is being paid to the widow. Besides, the following retrial benefits have also been paid:-

DCRG	-	Rs. 301719/-
GPF	-	Rs. 66980/-
Encashment of leave-	-	Rs. 91430/-
LTA	-	Rs. 3329/-
CGEGIS	-	Rs. 48380/-
Bonus	-	Rs. 6764/-

It has been further said that after making comparative study and keeping in view the limited number of vacancies, his case could not be recommended. In respect of alleged expenditure on the ailment of father and mother, it has been said that these medical expenditures might have been reimbursed in accordance with rules. It has been further said that compassionate appointment cannot be claimed as a matter of right.

4. I have heard the learned counsel for parties and perused the entire material on record.

5. It is true that compassionate appointment cannot be claimed as a matter of right. It is also true that an appointment on compassionate ground is a facility to provide immediate rehabilitation to the family in distress. But at the same time, from perusal of the impugned order as well as material on record, it appears that a comparative study was made of the

cases of the applicant viz-a-viz other applicants and then it was found that the case of some other applicants were more genuine.

6. But, neither in the impugned order nor in the Counter Reply, any material showing such details is found on the basis of which comparative study was made. The principle of fair play and transparency applies to administrative orders also. Similarly, giving reasons ensures due application of mind. It also prevents litigation.

7. In view of the above, therefore, impugned order dated 12.2.2010 is hereby quashed with a direction to the respondents to consider the claim of the applicant afresh in the next CRC meeting and thereafter pass a speaking and reasoned order.

8. O.A. is accordingly disposed of without any order as to costs.

Alok Kumar Singh
(Justice Alok Kumar Singh) 8-2-13
Member (J)

HLS/-