

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No: 90/2011

This, the 24TH day of August, 2012

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

Satish Kumar aged about 25 years son of late Sri Shiv Prasad (Ex-Postman) r/o Village and P.O. Bibipur (Itaunja), Dist. Lucknow.

Applicant.

By Advocate: Sri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Post, New Delhi.
2. Chief Post Master General, U.P. , Lucknow.
3. Senior Superintendent of Post Offices, Lucknow.

Respondents.

By Advocate: None

ORDER (Dictated in open court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Heard and perused the material on record.

2. According to office R.A. has not been filed but the learned counsel for applicant says that he has already filed R.A. in the office. He also submits an undated typed copy of R.A. which has been perused. This Tribunal intends to dispose of this O.A. today itself. Therefore, in the special circumstances, this copy of R.A. is being kept on record.

3. This O.A. is in respect of giving compassionate appointment. This is the second round of litigation.

4. Applicant's father unfortunately died on 22.4.2005 while in service. When he could not get compassionate appointment, he filed an O.A. No. 238/2007 after moving a representation dated 21.8.2006 which could not be disposed of by the respondents.

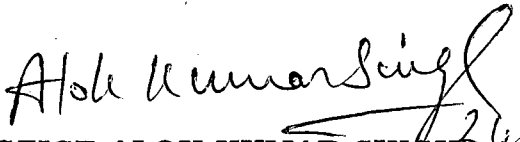
5. The respondents filed a counter reply saying that the claim of the applicant is still under consideration. Therefore, the

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respondents were directed to dispose of the representation of the applicant and pass a reasoned order in respect of the claim of the applicant for compassionate appointment and also refund the amount of DCRG etc. In furtherance of the above order, his representation has been dealt with by passing a detailed order dated 3.3.2010 which has been impugned in this O.A. In para 3 of this order, it is mentioned that case of the applicant was put up before the Circle Relaxation Committee (CRC), U.P. Circle, Lucknow in its meetings held on 26.8.2008. As against 291 cases, there were only 4 vacancies available for compassionate appointment. The case of the applicant could not find place in the list of candidates approved for appointment within the above limited vacancies. However, his case was kept pending and the applicant was informed accordingly. In the meanwhile, a contempt petition was filed by the applicant which was dismissed after considering this fact. According to the C.A. filed in the present O.A., the case of the applicant was further put up before the CRC, U.P. Circle in its meetings held on 8,9, 10 and 16th December, 2009. But, again on account of non-availability of vacancies, the case of the applicant could not be considered though he was found eligible for appointment on compassionate ground in Group 'D' cadre. This specific averment has not been controverted.

7. The impugned order, nowhere says that the case of the applicant has been closed or rejected. It is worthwhile to mention that earlier, DOP&T had issued O.M. dated 5.5.2003 fixing a cap of 3 years for consideration of such cases which has already been struck down and recently DOP&T has issued O.M. dated 26.7.2012 withdrawing the above O.M. dated 5.5.2003. The anxiety of the applicant is that the respondent may not consider his name in future when vacancies become available. But his

apprehension is baseless and unfounded in view of the aforesaid O.M. dated 26.7.2012 issued recently by the DOP&T. Finally, therefore, this O.A. stands disposed of with an observation that since the applicant has been found eligible for appointment on compassionate ground in Group 'D' cadre but compassionate appointment could not be given to him on account of non-availability of vacancies, as mentioned in the impugned order dated 3.3.2010, the respondents shall consider his case as and when such vacancies become available. No order as to costs.


(JUSTICE ALOK KUMAR SINGH) 26.8.12
MEMBER (J)

HLS/-