

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 471 of 2012

This the 5th day of September, 2014

Hon'ble Ms. Jayati Chandra, Member-A

Mahesh Kumar Dixit, aged about 42 years, S/o Sri Surya Bhan
Dixit, R/o Village & Post Chakaudi, District Fatehpur.

.....Applicant

By Advocate : Sri R.S. Gupta.

Versus.

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

.....Respondents.

By Advocate : Sri S.K. Awasthi.

ORDER (oral)

The applicant has sought to file the present O.A. under
Section 19 of Administrative Tribunals Act, 1985 seeking following
relief(s):-

*"(a) Wherefore it is most respectfully prayed that this Hon'ble
Tribunal may kindly be pleased to direct the Opposite
parties to appoint the applicant as postal Assistant
(Clerk) anywhere as approved vide Annexure no. A-1
on compassionate ground."*

2. The facts of the case are that the father of the applicant,
who was suffering from various ailments, had applied for
retirement on medical grounds, as a consequence thereof the
applicant was approved for compassionate appointment on the
post of Postal Assistant in relaxation of Rules vide CPMG' letter
dated 18.3.1998 and he was allotted for appointment at Fatehpur
Postal Division. It is averred that the applicant filed O.A. No. 1250
of 2002 before Allahabad Bench of this Tribunal, which was
withdrawn as not pressed vide order dated 27.11.2002.
Thereafter, the applicant was appointed as part time Dak Sewak

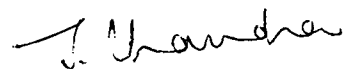
J. Chandra

vide order dated 22.7.2003 going against the order dated 18.3.1998 was for appointment in the cadre of Postal Assistant. He was given verbal assurance that he would be appointed as and when the vacancy in the cadre of Postal Assistant arose with clear stipulation that he will have to wait for his turn as per policy of the department for Gramin Dak Sewak for future appointment against future departmental vacancies.

3. He waited patiently for his turn. Yet another similarly situated person Sri Ram Babu Tripathi was given regular appointment vide order dated 28.1.2004 after he had filed an O.A. no. 555 of 2000 against the respondents and after finalization of the legal process. Another similarly placed person Sri Rameshwar Singh too was given the benefit of appointment as Postal Assistant. Both these cases relate to later years than his as his case was initially allowed in the year 1998.

4. However, during the course of hearing, learned counsel for the applicant stated at the bar that the applicant would be satisfied if a direction be issued to the respondents to consider and decide the pending representation of the applicant dated 28.3.2012, contained in Annexure no.10 to the O.A. within a stipulated period of time in accordance with law by passing a reasoned and speaking order. As far as this request is concerned, the learned counsel for the respondents has no objection.

5. In view of the aforesaid, without entering into the merits of the case, the O.A. stands disposed of with a direction to the respondents to consider and decide the pending representation of the applicant dated 28.3.2012, contained in Annexure no.10 to the O.A. in accordance with law within a period of three months from the date of receipt of a copy of this order under intimation to the applicant. There shall be no order as to costs.



(Ms. Jayati Chandra)
Member-A