

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE O.A. 233 OF 1998

NAME OF THE PARTIES R.K. TIWARI

.....Applicant

Versus

.....Director General (Post) New Delhi Respondent

Part A, ~~Part A~~

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## CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated 23-12-2011

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

(24)

(AI)  
1Annexure - A  
CAT - 82CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

## INDEX - SHEET

CAUSE TITLE

Regd. No. 233/88 OF 190 (L)

Name of the Parties Ravish Kumar Timari

Versus

Director General (Posts) New Delhi  
and others  
part A, B and C

S.I. No.	DESCRIPTION OF DOCUMENTS	PAGE
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filed today  
28/12

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 233 of 1980(C)

APPLICANT (s) R. K. Tewari

RESPONDENT(s) U.O.R & OS

A

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	no
3. (a) Is the appeal in time ?	yes (within time from the date of rejection of the w.p. No. 7305/80.)
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	— (the aforesaid w.p. was rejected on 14.9.80.)
4. Has the document of authorisation/Vakalat-nama been filed ?	yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	yes (1 P.O. No. —)
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *Ys*

8. Has the index of documents been filed and paging done properly ? *Ys*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *Ys*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

11. Are the application/duplicate copy/spare copies signed ? *Ys* ( only Bench copy )

12. Are extra copies of the application with Annexures filed ? *No*

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos. .... / Pages Nos. .... ?

13. Have file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *Ys*

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N.A.*

17. Are the facts of the case mentioned in item No. 6 of the application ? *Ys*

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ? *No*

19. Whether all the remedies have been exhausted. *Ys*

23/2/89.

Non-D.S. Regs, Am.

Non-D.S. Shams, Ziy.

(A2)

On the request of the learned Counsel for the applicant he is allowed two weeks time to file <sup>a copy</sup> circular dated 30-6-87 which is ~~referred~~ <sup>referred to</sup> in para 13 of the claim petition. Put up

on 10-3-89.

Non

F.M.

Am.

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2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
SITTING AT DELHI.

\*\*\*

O.A./T.A. No. 233 1988 (L)

R. K. Tewari

Applicant(s)

Versus

Union of India.

Respondent(s)

Sl. No.	Date	Orders
	<u>27-1-89</u>	NO SITTING, Adjourned to 23-2-1989. For Admission. Rm 271
	<u>9/3/89</u>	BB The learned counsel for the applicant has not filed a copy of circular dt. 30-6-87 which is referred in para 10 of the claim petition. 9/3/89

OA 233/88 (4)

(A3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

B E T W E E N

Ravesh Kumar Tiwari .....APPLICANT

A N D

Director General (Posts), New Delhi,  
and others.....RESPONDENTS

UNDER RULE 9

The Documents and Paper Book

I N D E X

S.No.	Particulars	Pages
1.	Application	1 to 12
2.	Annexure-1: Experience Certificate dated 12.1.1981, issued by the Assistant Superintendent of Post Offices (West), Lucknow.	13
3.	Annexure-2: Experience Certificate dated 24.2.83 issued by the Assistant Superintendent of Post Offices ( West), Lucknow.	14
4.	Annexure-3: Representation dated 23.6.84 submitted by the applicant's father.	15 to 17
5.	Annexure-4: Applicant's representation dated 17.12.1984.	18
6.	Annexure-5: Representation dated 15.1.1982.	19 to 21
7.	Annexure-6: Certified copy of Judgment dated 14.9.88 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Writ Petition No.7305 of 1988.	22
8.	Power	23

Lucknow:

November 22, 1988

25  
Dec. 19, 1988

T.N.Gupta  
(T.N.GUPTA)  
Advocate  
Counsel for the applicant.

(A3)  
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

B E T W E E N

Ravesh Kumar Tiwari, aged about 30 years,  
s/o Sri Dwarika Prasad Tiwari,  
r/o Mohalla Daulatganj, Lucknow.....APPLICANT

A N D

Director General (Posts), New Delhi  
and others.....RESPONDENTS.

DETAILS OF APPLICANTS:

1. Particulars of Applicant:

(i) Name of the applicant:	Ravesh Kumar Tiwari
(ii) Name of Father:	Sri Dwarika Prasad Tiwari
(iii) Age of Applicant:	
(iv) Designation and office in which employed; or was last employed ceasing to be in service:	D.D. Postman and Casual Labour in the office of the Asstt. Superintendent of Post Offices, Lucknow (West) Sub-Division, Lucknow.
(v) Office Address:	Not in service at present.
(vi) Address for service of notice:	Ravesh Kumar Tiwari, s/o Sri Dwarika Prasad Tiwari, C/o Sri Ram Din, r/o Mohalla Daulatganj, Lucknow.

रवेश कुमार तिवारी

Ravesh Kumar Tiwari

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2. Particulars of Respondents:

(i) Name of the respondents:	1. Director General (Posts), New Delhi.
	2. Post Master General, U.P., Circle, Lucknow.
	3. The Chief Post Master, Lucknow G.P.O., Lucknow.
	4. Senior Superintendent of Post Offices, Lucknow.
(ii) Name of father/husband	Not known
(iii) Age of Respondents:	Not known
(iv) Designation and Particulars (Name and station in which employed).	1. Director General (Posts), New Delhi. 2. Post Master General, U.P. Circle, Lucknow. 3. The Chief Post Master, Lucknow G.P.O., Lucknow. 4. Senior Superintendent of Post Offices, Lucknow.
(v) Office Address:	( As above )
(vi) Address for service of notices:	( As above )

3. Particulars of the order against  
which application is made:

The applicant's father Sri Dwarika Prasad Tiwari was permanent postman in the Post Office, Daulatganj, Chowk, Lucknow who fell seriously ill and remained ill for about 16 months, hence, he was found medically invalid by the Chief Medical Officer, Lucknow and as such he was prematurely retired on 16.2.81 by respondent no. 4.

The applicant who had already worked in the department as Class IV employee for about 6 months, therefore, his father submitted to the respondents ~~that~~ a representation that the applicant be absorbed in the department in his place. The applicant has also submitted representations but he has not yet been absorbed.

The petitioner is entitled for employment on  
compensatory grounds under Rule 338 of C.C.S.

4. Jurisdiction of the Tribunal:

The applicant declares that the

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the subject-matter of the order against which he want redress is within the jurisdiction of the Tribunal.

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case:

(i) That the applicant's father Sri Dwarika Prasad Tiwari has served in the Indian Army from 9.9.43 to 25.7.53 as Hawaldar Clerk No. 196129 Unit A.O.C. but was discharged from the Army in the year 1953 as being surplus.

(ii) That subsequently the applicant's father was absorbed in the Postal Department with effect from 1.10.1954 as Extra Departmental Posts and Permanent Postman.

(iii) That unfortunately the applicant's father Sri Dwarika Prasad Tiwari fell seriously ill and remained under treatment for about 16 months, hence, he was medically examined by the Chief Medical Officer, Lucknow.

~~20/2/1981~~ (iv) That ultimately the applicant's father was found medically invalid, hence, was retired prematurely on 16.2.1981 by the respondent no. 4.

(v) That the applicant is matriculate and has also worked as outside Postman from time to time

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on daily wages for about 6 months w.e.f. 9.1.75 to 5.8.76 and further as Class IV employee w.e.f. 3.7.79 to 31.10.81 but he was removed from the service without any reason.

(vi) That the applicant's work and conduct during his service has been always satisfactory inasmuch as there was no complaint against him neither from his officers nor from the public. The certificates dated 12.1.81 and 24.2.83 issued by the Assistant Superintendent of Post Offices (West), Lucknow are filed herewith as Annexures No. A-1 and A-2 respectively, which are the typed true copies.

(vii) That the applicant's father has submitted a representation before the opposite party no. 2 on 23.6.84 inter alia stating that he has served in the Indian Army and thereafter in the Postal Department w.e.f. 1.10.54 to 16.2.81, but unfortunately he fell seriously ill and remained under medical treatment for about 16 months and subsequently he was retired prematurely on medical ground. It was, therefore, requested that the petitioner being his son and also an experienced man may very kindly be employed in the department on compensatory grounds so that his family consisting of 7 members may survive. A true copy of the representation dated 23.6.84 is filed herewith as Annexure No.A-3 to this application.

(viii) That it is submitted that the applicant's father has taken huge loan for his treatment and also has to maintain the family of 7 persons, hence, it was

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very difficult for him to maintain the family as such the petitioner's service was very much necessary in the circumstances of the case.

(ix) That the applicant has also submitted a representation on 17.12.1984 to the opposite party/ respondent no. 4 interalia stating that since he was an experienced candidate and has worked in the department and his father has also been prematurely retired, hence, he should be taken in the service so that he could arrange two times meal for his family. A true copy of the representation dated 17.12.1984 is filed herewith as Annexure No.A-4 to this application.

(x) That the applicant and his father approached the opposite parties/respondents several times for the employment of the applicant in the department but all was in vain and till now the applicant has not been given the employment.

(xi) That the applicant has also submitted another representation to the opposite party no. 1 on 15.1.87 interalia stating the facts and requested him that under Rule 38 of C.C.S.(Pension) Rules, 1972, the petitioner was entitled for employment in place of his father on compassionate grounds since his family was at the verge of starvation and his father was retired on medical grounds prematurely. A true copy of the representation dated 15.1.87 is filed herewith as Annexure No.A-5 to this application.

*20/1/87*

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(xii) That the applicant has also reminded the opposite parties/respondents several times and requested them that his case be decided soon since the same was pending since 1984.

(xiii) That under the Government of India, Department of Personnel and Training O.M. No. 14014/ 6186-Est.(D) dated 30.6.87, it has been provided that the benefits of compassionate appointment may be extended to a son/daughter of Government servant retired on medical grounds under Rule 38 of the Central Civil Service (Pension) Rules, 1972.

(xiv) That the applicant being the son of Sri Dwarika Prasad Tiwari, who has been prematurely retired from the post of postman is entitled for service on compassionate grounds in view of the provisions of the order referred to in para (xiii) above.

(xv) That the applicant's family is at the edge of starvation and there is no other source of livelihood, hence, the service on compassionate grounds is very much essential for him to maintain his family.

~~22/2/2012~~  
(xvi) That the following candidates have been appointed in similar cases:-

S.	Name of the Government servants who have been retired on medical grounds	Name of the persons appointed on compassionate grounds.
----	--	---

1.	Sri Badri Prasad Shukla Clerk, GPO, Lucknow.	Sri M.K. Shukla, Clerk, G.P.O. Lucknow s/o Sri Badri Prasad Shukla.
2.	Sri Mohd. Haneef, Clerk, GPO, Lucknow.	Sri Mohd. Masood Siddiqui, Clerk, GPO, Lucknow s/o Sri Mohd. Haneef.

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3. Sri Shiva Kant Shukla,  
Postman, GPO, Lucknow.

Sri Sunil Kumar Shukla,  
Class-IV employee,  
SSRMO, Lucknow.

4. Sri R.D.Jaiswal,  
Postman, GPO, Lucknow.

Sri Santosh Kumar Jaiswal,  
Class-IV Employee,  
SSRMO Divn. Lucknow.

(xvii) That the applicant's case being similar to these persons referred to in para (xvi) above, applicant ought to have been appointed on compassionate grounds but the respondents have discriminated in the case of the applicant.

(xviii) That the applicant's representations contained in Annexures No.A-3, A-4 and A-5 are still pending and the same have not been disposed of by the opposite parties neither there is any hope that the same will be disposed of soon, hence, the issuance of writ of mandamus is very much essential in the circumstances of the case.

(xix) That the applicant has sustained irreparable loss and injury and is facing great economic hardship due to not providing him job on compassionate grounds and he has no other source of livelihood and he and his family is virtually at the verge of starvation.

(xx) That the applicant has preferred a writ petition before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow, which was registered as Writ Petition No. 7305 of 1988 which was heard on 14.9.88 by Hon'ble S.K.Dhaon and Hon'ble Brijesh Kumar, JJ. who were pleased to observe that

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the writ petition was not maintainable. The certified copy of the order dated 14.9.88 passed in Writ Petition No.7305 of 1988 is being filed as Annexure No.A-6 to this application.

(xxi) That there is no other alternative efficacious and speedy remedy available to the applicant except knocking the doors of this Hon'ble Tribunal under the relevant Service Rules etc.

**7. Details of the remedies exhausted:**

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. as under:-

	<u>Outcome of such representations</u>
(1) Representation dated 23.6.84 addressed to the respondent No. 2 .....	<u>Annexure no.A-3</u> Still pending
(2) Representation dated 17.12.84 addressed to respondent no. 4 .....	<u>Annexure no.A-4</u> Still pending
(3) Representation dated 15.1.87 addressed to the respondent No. 1.....	<u>Annexure no.A-5</u> Still pending

All these representations were sent through registered post which have not been disposed of as yet inspite of repeated requests. Hon'ble High Court Lucknow Bench has also observed to take redress before this Hon'ble Court.

**8. Matter not previously filed or pending with any other court:**

The applicant declares that he has not filed any suit, application etc. in any court,

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except Writ Petition No. 7305 of 1988 which has been rejected as being not maintainable. The certified copy of the judgment dated 14.9.1988 has already been filed to this application as Annexure No. A-6.

9. Reliefs sought:

In view of the facts mentioned in Para 6 above the applicant prays for the following reliefs:-

- (i) That the applicant be appointed on compensatory grounds in the Postal Department on any suitable post;
- (ii) That he may be treated on duty since 1.11.1981; and
- (iii) That the cost of this claim application be awarded to the applicant.

10. Interim Orders, if any, prayed for: No

11. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing, at the admission stage and if so, he shall attach a self addressed Post-card/Inland letter at which intimation regarding the date of hearing could be sent to him.

No

12. Particulars of Bank Draft/Postal Order in respect of the application fee:

i) Name of the Bank on which drawn:

ii) Demand Draft No:

OR

i) Number of Indian Postal Orders:

DD 065904  
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ii) Name of issuing Post Office:

High Court Bench  
Lucknow.

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iii) Date of Issue of  
Postal Order

22/11/88

iv) Post Office at  
which payable.

Allahabad

13. List of Enclosures:

- 1) Experience Certificate dated 12.1.1981 issued by the Assistant Superintendent of Post Offices (West), Lucknow.
- 2) Experience Certificate dated 24.2.83 issued by the Assistant Superintendent of Post Offices (West), Lucknow.
- 3) Representation dated 23.6.84 submitted by the applicant's father.
- 4) Applicant's representation dated 17.12.1984.
- 5) Representation dated 15.1.1982.
- 6) Certified copy of judgment dated 14.9.88 passed by the Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in Writ Petition No. 7305 of 1988.

Verification

I, Rakesh Kumar s/o Sri Dwarika Prasad Tiwari aged about 30 years, r/o Mohalla Daulatganj, P.S. Chowk, City Lucknow do hereby verify that the contents of paras 1 to 3, 6 to 8, 10 to 13 are true to personal knowledge and paras 4, 5, 9 are believed to be true on legal advice and that I have not suppressed any material facts.

Rakesh Kumar Prasad  
Dated: November 22, 88

Signature of the applicant.

Place: Lucknow.

To

The Registrar

*T. H. Gupta  
Adlal  
J. A. Patel*

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1. Because the applicant's father was prematurely retired on medical ground, hence, the applicant ought to have been employed on compassionate grounds.
2. Because the applicant's representations are still pending and the same have not been disposed of inspite of repeated requests.
3. Because several candidates have been appointed by the respondents in the similar circumstances but the applicant has been discriminated arbitrarily.
4. Because the respondents have arbitrarily failed to comply the provisions of Rule 38 of C.C.S. (Pension) Rules, 1972.
5. Because the applicant has already worked in the department on daily wages and as such he is an experienced candidate and there is no other source of livelihood, hence, the service on compassionate ground is very much necessary for him.

*राजीनामा दस्तावेज़*

P R A Y E R

It is, therefore, prayed for the following reliefs:-

- (i) that a writ, order or direction in the

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nature of mandamus commanding the respondents to act in accordance with law and to dispose of the petitioner's representations contained in Annexures No.A-3 to A-5 be issued and thereafter give appointment to the applicant on compassionate grounds under the Rules;

(ii) that any other suitable writ, order or direction which this Hon'ble Tribunal deems fit and proper in the circumstances of the case in favour of the applicant be passed so that he may be taken in the service; and

(iii) that the cost of this application/petition be awarded to the applicant.

रवेश कुमार तिवारी

रवेश कुमार तिवारी  
( Rakesh Kumar Tiwari )

APPLICANT.

Place: Lucknow

Dated: November 22, 1988.

T.H. Supt.  
A. Shrivastava  
Complaint  
Applicant.

(A3)  
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13.

ANNEXURE No.A-1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From:

Asstt. Supdt. of Post Offices  
Lucknow (West) Sub-Division,  
Lucknow-226006.

To

---

Certified that Shri Rakesh Kumar Tiwari  
s/o Shri Dwarika Prasad Tewari resident of Daulatganj,  
Lucknow-3 has worked in P & T Department as a casual  
labour and his work and conduct has been satisfactory.  
He has been paid @ Rs.11.85 (Rs.eleven paise 85)  
per day.

Sd/- M.J.Siddiqui

Asstt. Supdt. of Post Offices  
Lucknow (West) Sub-Div. Lucknow-226006  
12.1.81.

TRUE COPY

*Attested*

*B. N. Misra  
Hclv*

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14.

ANNEXURE NO. A-2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Certified that Shri Ravish Kumar Tewari  
s/o Shri Dwarika Prasad Tewari resident of Daulatganj,  
Lucknow worked as outsider in Group 'D' cadre under  
the undersigned for about one year in 1980-81 in  
different spells each not exceeding ten days. His  
work and conduct had been satisfactory. He was  
paid @ Rs.11.85 (Rs. eleven and paise eighty five)  
per day.

Sd/- M.J.Siddiqui  
Asstt. Supdt. of Post Offices  
Lucknow (West) Sub-Dn.  
Lucknow-226006

24.2.83.

TRUE COPY

Attested  
B. N. Mung  
A. H. Y.

(A3)  
16

अनेकजर नं० ए-३

15.

सेवा में,

माननीय पोस्ट मास्टर जनरल जी,  
उत्तर प्रदेश परिमण्डल,  
लखनऊ - 226001.

विषय:- प्रार्थी के पुत्र रवीश कुमार तिवारी को विभाग  
में द्यनीय दशारत दृष्टि से नौकरी के लिए  
प्रार्थना पत्र ।

आदरणीय महोदय जी,

सविनय निवेदन है कि प्रार्थी की कुछ निम्नांकित  
द्यनीय दृष्टिकोण से विचार करने की कृपा करें ।

मैं प्रार्थी हवलदार कलर्क नं० 196129 यूनिट ए0ओ0सी०  
में दिनांक 9-9-43 से 25-7-1953 तक सैनिक सेवारत रहा । परन्तु  
अभाग्यवश युद्ध में अधिक लोगों के भरती होने पर मुझे सेवा निवृत्त  
कर दिया गया जिसके बाद मैं दिनांक 1-10-54 से डाक तार विभाग  
में सक्तदार विभागीय पद पर ।-10-62 से स्थाई पोस्ट मैन के पद  
पर विभाग में अपने अधिकारियों तथा जनता को संतुष्ट करते हुए  
सेवा करता रहा । परन्तु दुर्भाग्य से मैं दिनांक 14-11-79 से  
आकर्त्त्व बीमारी से ग्रस्त हो गया तथा लगातार 16 माह दबा  
विभागीय स्वास्थ्य केन्द्र से करता रहा और मैं सहायक डाक अधीक्षक  
॥दक्षिणी॥ के आदेश से मुख्य चिकित्सा पदाधिकारी उत्तर प्रदेश  
के पास जांच होने पर 16-2-81 को तथा सहायक डाक अधीक्षक  
॥दक्षिणी॥ लखनऊ में ने सेवा से निवृत्ति कर दिया । इसके बाद  
मैं अपने परिवार की रक्षा हेतु अपने पुत्र रवीश कुमार तिवारी  
की नौकरी के लिए प्रार्थना पत्र दिया, जिसने हाई स्कूल परीक्षा  
द्वितीय ब्रेणी में 1978 में झलाहाबाद बोर्ड से उत्तीर्ण की तथा  
इंटर की परीक्षा भी स्काउंट को छोड़कर पास है तथा जिसके लिए  
अध्ययनरत है ।

रवीश कुमार तिवारी

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16.

मेरे पुत्र ने 9-1-75 से 5-8-76 तक आऊट साइड पौस्ट मैन के पद पर 6 माह लीव जगह पर कार्य किया, 3-7-79 से 31-10-81 तक सहायक डाक अधीक्षक ।पश्चिमी। लखनऊ के साथ चतुर्थी श्रेणी कर्मचारी के पद पर कार्य किया था परन्तु साहब ने आपके कार्यालय के आदेश होने पर जिसमें सभी लखनऊ के आऊट साइडर हटाये जाने के आदेश से हटा दिया । सेवा योजन कार्यालय में रजिस्ट्रेशन नं० य०/2852/83 है । जिसमें पौस्टमैन का अनुभव दर्ज है ।

इसके बारे में मैने सोचा था कि मेरे पुत्र को विभागीय केस में नौकरी मेलेलिया जायेगा, परन्तु दूर्भाग्य से वह भी अस्वीकृत हो गया ।

फिर मैं आपके कार्यालय में मिलने गया तो आपके व्यक्तिगत सहायक ने मुझे फाइल देखते हुए निम्न दो कारण दर्शायि वे क्रमशः हैं :-

- 1- प्राथीं के दो पुत्र सरकारी सेवा में सेवारत हैं ।
- 2- प्राथीं की सेवा निवृत्ति में केवल 7 माह ही बाकी हैं ।

प्राथीं के दो पुत्र जो नौकरी करते हैं वे तभी से अलग हैं जबसे प्राथीं बीमार हो गया था तथा कोई भी सहायता नहीं मिलती, जो आपके कार्यालय में आविष्कृत है ।

रवीश कुमार रिहारी

अतः बीमारी में रहने के कारण धन की इतनी अधिक हानि हुई है कि प्राथीं श्रणी हो गया है । प्राथीं को आशा ही नहीं है कि वह कैसे श्रण से मुक्त होगा । यहां तक पेट भरना दूर्भर हो जाता है जबकि वास्तव में प्राथीं पर चार लड़कों, एक लड़की, पत्नी एवं वह स्वयं हैं जो कि कुल मिलाकर 7 सदस्यों हैं जो प्राथीं पर निर्भर हैं तथा पुत्री की शादी का भार है जो 19 वर्षी की है ।

अतः आपसे निवेदन है कि भूतपूर्व सैनिक सेवा के

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17.

अनुदान का ध्यान देते हुए और मेरी दयनीय स्थिति को देखते हुए पालन करने हेतु मेरे पुत्र रवीश कुमार तिवारी को विभागीय किसी भी पद पर नियुक्त कर दें ताकि प्राथीं अपनी पुत्री की शादी, और उपरे परिवार का भरण पोषण कर सके जिसके लिए आपकी बड़ी अनुकम्पा होगी और प्राथीं सहित समस्त परिवार आपका आजीवन आभारी रहेगा ।

प्राथीं,

४० द्वारिका प्रसाद तिवारी  
रिटायर्ड पोस्टमैन, दौलतगंज, चौक,  
सक्त हवलदार कल्कि नं० १९६१२९  
दिनांक : २३-६-८४ लखनऊ-२२६००३६

संलग्नक:- १-पुत्र का डाकघर में डाकिये आ अनुभाव प्रमाणपत्र  
२-सहायक डाक अधीक्षक का अनुभव प्रमाणपत्र ७९ ।  
३- सहायक डाक अधीक्षक का अनुभव प्रमाणपत्र ८। ।  
४- बी-८/२/९ आदोकें० तिवारी केरा की २४-१-८३ को  
डाक विभागीय अस्वीकृत प्रतिलिपि ।

सत्य प्रतिलिपि

Attached

B. N. Misra  
Adv.

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18.

अनेकजर - रु 0-4

सेवा में,

श्रीमान प्रवर डाक अधीक्षक,  
लखनऊ प्रखंड, लखनऊ-226003 ।

विषय:- ई0डी0डी080 हेतु आवेदन पत्र ।

महोदय,

सचिनय निवेदन यह है कि आपके विभाग में कुछ रिक्त ई0डी0डी080 के पद हैं, जिस हेतु मैं अपनी शैक्षिक योग्यता, एवं समस्त विवरण प्रस्तुत करता हूँ कि आपके विभाग पोस्ट ऑफिस आलमबाग में पौस्टमैन पद पर कार्य किया तथा 3-7-79 से 31-10-81 तक अर्दली पद पर सहायक ड्राक अधीक्षक । पश्चिमी । महानगर लखनऊ कार्यालय में कार्य किया था और मेरे पिता श्री द्वारिका प्रसाद तिवारी रिटायर्ड पौस्टमैन आलमबाग में थे और मेरा केस बी-8/2/9 आरो के० तिवारी का केस विभाग से अत्यधिकृत कर दिया 24-1-83 को, इसके उपरांत मैंने कई जगह कार्य हेतु प्रयास किया जिनमें डाक घर ठाकुरगंज, तकमीलुत्तिब आलमनगर, तथा सुन्दरबाग के लिए प्रयास किया और इम्प्लायमेंट से नाम भी भिजवाये परन्तु मुझे सफलता न मिली जिसका सेवायोजन कार्यालय में नं० य०/2852/83 है । हमारी शैक्षिक योग्यता हाई स्कूल पास-॥ 1978 है ।

अतः आपसे करबद्ध प्रार्थना है कि मेरी सभी जानकारियों से परिचित होकर मुझे एक बार सेवा करने का अवसर प्रदान करें । आपकी बड़ी ही महान दृष्टि होगी ।

प्रार्थी,

४० रवीशकुमार तिवारी  
पुत्र श्री द्वारिका प्रसाद तिवारी,  
दौलतगंज, बौक, लखनऊ-३

दिनांक: 17-12-84

सत्य प्रतिलिपि

Attested

B. N. Misra  
Adv.

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अनेकजर नं० स-५

सेवा में

डाइरेक्टर जनरल पोस्ट  
नई दिल्ली ।

विषय:- चिकित्सीय आधार पर समय से पूर्व सेवा निवृत्त किये गये कर्मचारी के आनंदित को सेवा में लिए जाने के संबंध में ।

महोदय,

प्राथी का विनम्र निवेदन निम्नवत है:-

1- यह कि प्राथी के पिता श्री द्वारिका प्रसाद तिवारी ने भारतीय सेना में लगभग 10 वर्ष तक सेवा की तथा हवलदार कलर्क के पद से सेना में अधिक भर्ती होने के कारण अतिरिक्त घोषित कर दिये तत्त्वज्ञात डाक विभाग में पोस्टमैन के पद पर उन्हें सेवा में लिया गया और वे डाकघर दौलतगंज चौका लखनऊ में कार्यरत हैं ।

2- यह कि वर्ष 1979 में मेरे पिता गंभीर रूप से बीमार हो गये तथा लगभग 16 माह तक बीमार रहे और विभागीय चिकित्सा केन्द्र में चिकित्सा कराते रहे ।

रकीश का नामिनी

3- यह कि दिनांक 16-2-81 को मुख्य चिकित्सा अधिकारी की जांच रिपोर्ट पर डाक अधीक्षक ने प्राथी के पिता को समय से पूर्व चिकित्सीय आधार पर सेवा निवृत्त कर दिया ।

4- यह कि प्राथी ने दिनांक 9-1-75 से 5-8-86 तक आठट साइड पोस्टमैन के पद पर 6 माह छुट्टी की जगह पर कार्य कर चुका है तथा दिनांक 3-7-79 से 31-10-81 तक सहायक डाक

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अधीक्षक ॥पश्चिम॥ लखनऊ के साथ चतुर्थी श्रेणी कर्मचारी के पद पर कार्य किया किन्तु प्राथी को बिना कारण सेवा से हटा दिया गया ।

5- यह कि प्राथी के पिता तथा स्वयं प्राथी ने श्रीमान पी०स्म०जी० महोदय लखनऊतथा पुवर डाक अधीक्षक लखनऊ को क्रमशः दिनांक 23-6-84 तथा 17-12-84 को प्रत्याखेदन दिया कि प्राथी को कम्पेनसेनेट आधार पर सेवा में रख लिया जाये ।

6- यह कि अनेकों बार स्मरण कराने तथा व्यक्तिगत अनुरोध व विनती करने पर भी प्राथी को अभी तक सेवा में नहीं लिया गया ।

7- यह कि सेन्ट्रल सिविल सर्विस ॥पेन्शन॥ सन्स 1972 की धारा ३४ के अंतर्गत यह व्यवस्था है कि मेडिकल आधार पर समय से पूर्व रिटायर किये गये कर्मचारी को कम्पेनसेनेट आधार पर सेवा में लिए जाने का लाभ मिलना चाहिये अतः प्राथी भी उक्त नियम के अंतर्गत नियुक्ति का हकदार है ।

8- यह कि प्राथी की शिक्षा हाई स्कूल है तथा उसे विभागीय कार्य करने का भी अनुभव व ज्ञान है ।

### रवीश कुमारीतवारी

9- यह कि लखनऊ मंडल में कई व्यक्तियों के आप्तितों को जो समय से पूर्व मेडिकल आधार पर सेवा से पृथक किये गये हैं के पुत्रों को सेवा में ले लिया गया है जिनमें सकुछ के नाम इस प्रकार हैं :- श्री स्म० के० शुक्ला, कलर्क श्री बद्रीपुसाद शुक्ला, कलर्क, जी०पी०ओ० लखनऊ के स्थान पर,

मो० हनीफ कलर्क जी०पी०ओ० के पुत्र मो० मसूद सिद्दीकी को कलर्क जी०पी०ओ० लखनऊ बनाया गया ।

श्री आर०डी०जैसवाल पोस्टमैन जी०पी०ओ० के पुत्र श्री संतोष्कुमार जैसवाल को चतुर्थी श्रेणी कर्मचारी के पद पर

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10- यह कि प्राथी के परिवार की आधिक स्थिति अत्यंत छराब है तथा प्राथी के पिता के रिटायर किये जाने से अब दो जून की रोटी भी नहीं मिल पा रही है उसके अतिरिक्त उनकी लम्बी बीमार से परिवार पर काफी लम्बा कर्ज भी हो रहा है ।

11- उपरोक्त स्थिति में प्राथी के मामले पर सहानुभूतिपूर्वक विचार किया जाये तथा प्राथी की दयनीय पारिवारिक स्थिति को देखी हुए प्राथी को तेवा में लिए जाने के आदेश तुरंत पारित किए जायें ।

सधन्यवाद ।

भवदीय,

रवीशाकुमार तिवारी

पुन्न श्री द्वारिका प्रसाद तिवारी

दि 0 15-1-87

निवासी दौलतगंज, चौक, लखनऊ ।

प्रतिलिपि निम्नलिखित को सूचनार्थी तथा आवश्यक कार्यवाही हेतु प्रेषित:-

1- पोस्ट मास्टर जनरल लखनऊ ।

2- पुवर डाक अधीक्षक, लखनऊ ।

रवीशाकुमार तिवारी

रवीशाकुमार तिवारी

दौलतगंज, लखनऊ ।

सत्य प्रतिलिपि

Attached

T. N. Misra  
Adv.

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ANNEXURE NO.A-6

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH.

Writ Petition No. 7305 of 1988

Ravesh Kumar Tewari.....Petitioner.

Versus

Director General (Posts)  
New Delhi and others.....Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION  
OF INDIA.

Lucknow, dated: 14.9.88

Hon'ble S.K.Dhaon, J.

Hon'ble Brijesh Kumar, J.

The relief claimed in this petition is against the Postal Department, Section 14 of the Administrative Tribunals Act 1985 bars the taking of the cognizance of any grievance of the nature tried to be ventilated in the present petitions, by this court. This petition, is, therefore, not maintainable.

It is, therefore, rejected.

*Sd/- S.K.Dhaon,*

*Sd/- Brijesh Kumar.*

14.9.88.

True Copy NOTE:- (Certified copy has been filed)

Sd. Illegible

7.10.88

Section Officer  
Copying Department  
High Court, Lucknow Bench  
Lucknow.

True Copy  
Attached  
B. N. Misra  
Adv.

SEAL

(An)

In the Court of Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

Ravesh Kumar Tewari.....Applicant.

Versus.

Director General (Posts) & Others.....Opposite Parties.

Case No. 233/88(L),

F.F. 7-3-1989.

Application for accepting the Photo stat copy of Relevant

G.O.

That as per order dated 23.2.89 the applicant is  
filing the Photo stat copy of relevant G.O. which is  
annexed herewith.

Wherefore it is most humbly prayed that the same  
may kindly be accepted on record for the ends of justice  
and equity.

Lucknow:

Dated: 10-3-1989.

*Shri  
Ravesh Tewari  
(Applicant)*  
*T.N. Gupta  
Advocate*  
*Ravesh Tewari  
Applicant.*  
*B.N. Misra  
Adv.*

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## APPENDIX 2

### COMPASSIONATE APPOINTMENT OF SON/DAUGHTER/ NEAR RELATIVE OF DECEASED GOVERNMENT SERVANT/GOVERNMENT SERVANT RETIRED ON MEDICAL GROUND

G.I., Dept. of Personnel & Training, O.M. No. 14014/6/86-Estt. (D),  
dated the 30th June, 1987

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles to be followed in making compassionate appointments of sons/daughters/near relatives of deceased Government servants. For facility of reference, the orders issued on the subject have been simplified and consolidated in this Office Memorandum.

#### 1. To whom applicable:

(a) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.

(b) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years. In case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.

(c) To a son or daughter or near relative of a Government servant who dies during the period of extension in service but not re-employment.

#### 2. Authority competent to make compassionate appointments:

(a) Joint Secretary Incharge of Administration or Secretary in the Ministry/Department concerned.

(b) In the case of Attached and Subordinate Offices, such power may be exercised by the Head of the Department under Supplementary Rule 2 (10).

#### 3. Posts to which such appointments can be made:

Group 'C' post or a Group 'D' post.

#### 4. Eligibility:

(a) Compassionate appointments can be made only against direct recruitment quota.

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B.N. Misra  
10/3/89

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**6. Relaxation:**

Compassionate appointments are made in relaxation of the following:—

- (a) Recruitment procedure, i.e., without the agency of the Staff Selection Commission or Employment Exchange.
- (b) Age limit wherever necessary. The relaxation of lower age limit should not be below 14 years of age.
- (c) Educational qualification to the extent stated in para. 4 above.
- (d) Clearance from Surplus Cell of this Department/Directorate General of Employment and Training.

**7. Belated requests for compassionate appointments:**

Ministries/Departments can also consider the requests for compassionate appointment even where the death took place long ago, say five years or so. While considering such belated requests it should be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. The very fact that the family has been able to manage somehow all these years should normally be adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases calls for a great deal of circumspection. The decision in those cases may be taken at the level of Secretary only.

**8. Widow appointed on compassionate grounds getting remarried:**

A widow appointed on compassionate grounds will be allowed to continue in service even after remarriage.

**9. Selective approach:**

(a) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirements of maintenance of efficiency of administration.

(b) It is not the intention to restrict employment of son/daughter/near relative of deceased Group 'D' employee to a Group 'D' post only.

As such, a son/daughter/near relative of deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.

(c) As the appointments have to be cleared at the level of the Head of Department and as all the vacancies are to be pooled for compassionate appointment, it may be ensured that subordinate and field offices get an equitable share in the compassionate appointments.

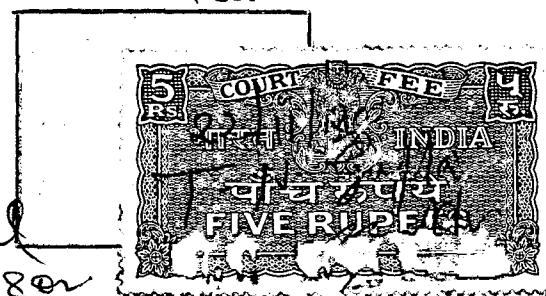
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B. N. Misra  
10/3/80

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अदालत श्रीमान् Central Administrative Tribunal  
वादी ] अपीलान्ट Lucknow Bench, Lucknow लखनऊ  
प्रतिवादी ( रेस्पांडेंट ) श्री Ravesh Kumar Tewari

Ravesh Kumar  
Tewari

vs.  
Director General  
( Posts ) New Delhi 801  
न० मुकदमा



सन्

प्रतिवादी ( रेस्पांडेंट )  
पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

T. N. Gupta वकील

— T. N. Misra, Adv. महोदय

एडवोकेट

वकालत  
नाम मुकदमा न० फरीकेन

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूँ और लिखे देता हूँ इस  
मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब  
देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से  
डिमरी जारी करावे और स्पष्ट वसूल करें या सुलहनामा व इकबाल दाका तथा  
अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तस-  
दीक करें मुकदमा उठावें या कोई स्पष्ट जमा करें या हारी विषयी ( फरीकसानी )  
का दाखिल किया हुआ स्पष्ट अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसीद से  
लेके या पंच नियुक्त करें-वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको  
सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वर्ण  
या किसी अपने परोक्षार को भेजता रहूँगा अगर मुकदमा अदम पैरको में एक तरफ  
मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए  
यह वकालतनामा निख दिया प्रमाण रहे और समय घर काम आवे ।

हस्ताक्षर रवैश्रामा त्रिवारी

साक्षी ( गवाह )

साक्षी ( गवाह )

दिनांक

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महीना

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स्वीकृत  
Accepted  
T. N. Gupta

Accepted  
B. N. Misra  
Adv.