

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE OA 233 OF 1988

NAME OF THE PARTIES R. K. Tiwari

Applicant

Versus

Director General (Post) New Delhi Respondent

Part A, ~~1888~~

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CERTIFICATE

Certified that no further action is required to 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

41
1

Annexure - A
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE Regd GA 233/88 OF 198 (L)

Name of the Parties Ravesh Kumar Timari

Versus

Director General (Psts) New Delhi
and others
Part A, D and G

Sl.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - -	1
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	{Judgment dated 10-3-89} on Main Petition.	
A3	Petition along with annex ures.	23
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B1	Vakalatnama (Power) -	1
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Filed today
in
28/12

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 233 of 198 O(L)

APPLICANT (s) R. K. Tewari

RESPONDENT(s) U.O. 2 & 3

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
(b) If not, by how many days it is beyond time ?	— of W.P. No. 7305/00. The aforesaid writ was rejected on 14.9.00)
(c) Has sufficient case for not making the application in time, been filed ?	—
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 (I.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.

Rev. D. S. Misra, Am.
Rev. G. S. Sharma, Iny.

On the request of the learned
Counsel for the applicant he is
allowed 100 weeks time to
file ^{a copy} circular dated 30-6-87
which is ^{referred to} ~~quoted~~ in para 13 of
the claim petition. Put up
on 10-3-89.

Rev.

J. B.

Am.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR OFFICE AT LUCKNOW.

O.A./T.A. No. 233 1988 (1)

R. K. Tewari Applicant(s)

Versus

Union of India. Respondent(s)

Sr. No.	Date	Orders
	<u>27-1-89</u>	NO SITTING, Adjourned to 23-2-1989. For Admission. <div style="text-align: right;">Rom 27/1</div>
	<u>9/3/89</u>	<u>GB</u> The learned counsel for the applicant has not filed a copy of circular dt-30.6.87 which is referred in para 12 of of claim petition. <div style="text-align: right;">Joshi 9/3/89</div>

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

B E T W E E N

Ravesh Kumar TiwariAPPLICANT

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

note for
27/1/89
B-N-Him
Adv.

Lucknow:

November 22, 1988

25
Dec. 19, 1988

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

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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. |

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Ravish 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.

20/3/81 Prasad (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.

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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.

(xvi) That the following candidates have been appointed in similar cases: -

S. No.	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.

राजीव कुमार प्रसाद

(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

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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 Order;
- ii) Name of issuing Post Office:

DD 065904
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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, Lucknowin Writ Petition No.7305 of 1988.

Verification

I, Ravesh 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, 8 9 are believed to be true on legal advice and that I have not suppressed any material facts.

Dated: November 22, 88

Signature of the applicant.

Place: Lucknow.

To

The Registrar

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TH. Gupta
for Applicant

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GROUNDS

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.

P R A Y E R

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

- (1) 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.

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रवेश कुमार तिवारी
(Ravesh Kumar Tiwari)
APPLICANT.

Place: Lucknow

Dated: November 22, 1988.

TH
A
Counsel
Applicant.

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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 Ravesh Kumar Tiwari
s/o Shri Dwarka 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.Supt. of Post Offices
Lucknow (West) Sub-Dn.Lucknow-226006
12.1.81.

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रवीश कुमार तिवारी

TRUE COPY

Attested
B. N. Mishra
Aclr

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 outsideer 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
Adr.

रवीश कुमार तिवारी

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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 दयनीय दशारत दृष्टि से नौकरी के लिए
प्रार्थना पत्र ।

आदरणीय महोदय जी,

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

मैं प्रार्थी हवलदार क्लर्क नं० 196129 यूनिट ए०ओ०सी०
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 एक्सट्रा विभागीय पद पर 1-10-62 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
आकस्मिक बीमारी से ग्रस्त हो गया तथा लगातार 16 माह दवा
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
मैंने अपने परिवार की रक्षा हेतु अपने पुत्र रवीश कुमार तिवारी
की नौकरी के लिए प्रार्थना पत्र दिया, जिसने हाई स्कूल परीक्षा
द्वितीय श्रेणी में 1978 में इलाहाबाद बोर्ड से उत्तीर्ण की तथा
इंटर की परीक्षा भी एकाउंट को छोड़कर पास है तथा जिसके लिए
अध्ययनरत है ।

रवीश कुमार तिवारी

मेरे पुत्र ने 9-1-75 से 5-8-76 तक आऊट साइड पोस्ट 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 चतुर्थ 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 यू०/2852/83 है। जिसमें पोस्टमैन का अनुभव दर्ज है।

इसके बारे में मैंने सोचा था कि मेरे पुत्र को विभागीय केस में नौकरी मिलेलिया जायेगा, परन्तु दुर्भाग्य 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 दशाये वे क्रमशः हैं :-

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

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

श्रीश कुमार बिबारी

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

अतः आपसे निवेदन है कि भूतपूर्व सैनिक सेवा के

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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 प्रार्थी अपनी पुत्री की शादी, और अपने परिवार का भरण पोषण कर सके जिसके लिए आपकी बड़ी अनुकम्पा होगी और प्रार्थी सहित समस्त परिवार आपका आजीवन आभारी रहेगा ।

प्रार्थी,

ह0 द्वारिका प्रसाद तिवारी

रिटायर्ड पोस्टमैन, दौलतगंज, चौक,

एक्स हवलदार क्लर्क नं0 196129

लखनऊ-226003

दिनांक : 23-6-84

संदर्भ:-1-पुत्र का डाकघर में डाकिये आ अनुभाव प्रमाणपत्र

2-सहायक डाक अधीक्षक का अनुभव प्रमाणपत्र 79 ।

3- सहायक डाक अधीक्षक का अनुभव प्रमाणपत्र 81 ।

4- बी-8/2/9 आद0के0तिवारी केश की 24-1-83 को डाक विभागी की अस्वीकृत प्रतिलिपि ।

सत्य प्रतिलिपि

Attested

B. N. Mishra
Adv.

रवीश कुमार तिवारी

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18.

अनेकजर - ए०-४

सेवा में,

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

विषय:- ई०डी०डी०ए० हेतु आवेदन पत्र ।

महोदय,

सविनय निवेदन यह है कि आपके विभाग में कुछ रिक्त ई०डी०डी०ए० के पद हैं, जिस हेतु मैं अपनी शैक्षिक योग्यता, एवं समस्त विवरण प्रस्तुत करता हूँ कि आपके विभाग पोस्ट आफिस आलमबाग में पोस्टमैन पद पर कार्य किया तथा 3-7-79 से 31-10-81 तक अर्दली पद पर सहायक डाक अधीक्षक पश्चिमी महानगर लखनऊ कार्यालय में कार्य किया था और मेरे पिता श्री द्वारिका प्रसाद तिवारी रिटायर्ड पोस्टमैन आलमबाग में थे और मेरा केस बी-8/2/9 आर० के० तिवारी का केस विभाग से अस्वीकृत कर दिया 24-1-83 को, इसके उपरान्त 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 यू०/2852/83 है । हमारी शैक्षिक योग्यता हाई स्कूल पास-11 1978 है ।

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

रवीश कुमार तिवारी

प्रार्थी,

ह० रवीशकुमार तिवारी
पुत्र श्री द्वारिका प्रसाद तिवारी,
दौलतगंज, बौक, लखनऊ-3

दिनांक: 17-12-84

सत्य प्रतिलिपि

Attested
B. N. Mishra
Adv.

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अनेकजर नं० ए-5

सेवा में,

डाइरेक्टर जनरल [पोस्ट]
नई दिल्ली ।

विषय:-

चिकित्सीय आधार पर समय से पूर्व सेवा निवृत्त
किये गये कर्मचारी के आश्रित को सेवा में लिए जाने
के संबंध में ।

महोदय,

प्रार्थी का विनम्र निवेदन निम्नवत है:-

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

रबीशंकर नारसिंहारी

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

4- यह कि प्रार्थी ने दिनांक 9-1-75 से 5-8-86 तक
आऊट 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

अधीक्षक 'पश्चिम' लखनऊ के साथ चतुर्थ 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 पी०एम०जी० महोदय लखनऊ तथा प्रवर डाक अधीक्षक लखनऊ को क्रमशः दिनांक 23-6-84 तथा 17-12-84 को प्रत्यावेदन 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 'पेंशन' रूल 1972 की धारा 38 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 कुमार शर्मा

9- यह कि लखनऊ मंडल में कई व्यक्तियों के आश्रितों को जो समय से पूर्व मेडिकल आधार पर सेवा से पृथक् किये गये हैं के पुत्रों को सेवा में ले लिया गया है जिनमें से कुछ के नाम इस प्रकार हैं :- श्री एम० के० शुक्ला, क्लर्क श्री बद्रीप्रसाद शुक्ला, क्लर्क, जी०पी०ओ० लखनऊ के स्थान पर, मो० हनीफ क्लर्क जी०पी०ओ० के पुत्र मो० मसूद सिद्दीकी को क्लर्क जी०पी०ओ० लखनऊ बनाया गया ।

श्री आर०डी० जैसवाल पोस्टमैन जी०पी०ओ० के पुत्र श्री संतोष कुमार जैसवाल को चतुर्थ श्रेणी कर्मचारी के पद पर ।

21.

10- यह कि प्राथी के परिवार की आर्थिक स्थिति अत्यंत खराब 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 प्रार्थना है कि प्राथी के मामले पर सहानुभूतिपूर्वक विचार किया जाये तथा प्राथी की दयनीय पारिवारिक स्थिति को देखते हुए प्राथी को सेवा में लिए जाने के आदेशा तुरंत पारित किए जायें ।

सधन्यवाद ।

भवदीय,

रवीशकुमार तिवारी

पुत्र श्री द्वारिका प्रसाद तिवारी

दि० 15-1-87

निवासी दौलतगंज, चौक, लखनऊ ।

प्रतिलिपि निम्नलिखित को सूचनाथी तथा आवश्यक कार्यवाही हेतु प्रेषित:-

1- पोस्ट मास्टर जनरल लखनऊ ।

2- प्रवर डाक अधीक्षक, लखनऊ ।

रवीशकुमार तिवारी

रवीशकुमार तिवारी

दौलतगंज, लखनऊ ।

सत्य प्रतिलिपि

Attested

B. N. Mishra
Adv.

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 ventitlated 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.

NOTE:-

True Copy (Certified copy has been filed)

Sd.Illegible

7.10.88

Section Officer
Copying Department
High Court, Lucknow Bench
Lucknow.

SEAL

True copy
Attached
B.N.Mishra
Adv.

रवेश कुमार तिवारी

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: (7-3-1989).

रवीश कुमार
रवीश कुमार
(Applicant)
T.N. Gupta
B.N. Mishra
Adv

84
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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.

True copy
B-N
10/3/89

84
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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.

True copy
B. N. Mishra
Adm.
10/3/89

61/1

अदालत श्रीमान् Central Administrative Tribunal
बादो] अपीलान्त Lucknow Bench Lucknow

प्रतिवादी (रिस्पॉण्डेंट) श्री Rakesh Kumar Tewari

वकालतनामा

Ravesh Kumar Tewari

VS.

Director General (Posts) New Delhi 800



अपीलान्त)

प्रतिवादी (रिस्पॉण्डेंट)

न० मुकदमा

सन्

पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

T. N. Gupta वकील

B. N. Mishra, Adv.

Advocate महोदय

एडवोकेट ✓

नाम अदालत
मुकदमा न०
नाम फरीकें

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 रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें 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 स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरकी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर रवीश कुमार तिवारी

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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सन् १९८८ ई०

स्वीकृत

Accepted T.N. Gupta

Accepted B.N. Mishra Adv.