

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 924 of 1999.

Dated this Monday, the 10th day of April, 2000.

Shahid Javed Anwar, _____ Applicant.

Shri V. Mishra, _____ Advocate for the
applicant.

VERSUS

Union of India & Others, _____ Respondents.

Shri V. S. Masurkar, _____ Advocate for the
Respondents.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

- (i) To be referred to the Reporter or not ?
(ii) Whether it needs to be circulated to other Benches
of the Tribunal ?
(iii) Library.


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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Hon'ble Shri D. S. Baweja, Member (A).

Shahid Javed Anwar,
E.D. Packer at Yeshwant Nagar,
TSO, Nanded.
Residing at -
Mastanpura, Nanded - 2.

... Applicant.

(By Advocate Shri V. Mishra)

VERSUS

1. The Director General of
Post Office, New Delhi.

2. The Chief Post Master General,
Mumbai - 400 001.

3. The Regional Chief Postmaster
General, Aurangabad.

4. The Superintendent of
Post Office, Nanded.

5. The Asstt. Superintendent of
Post Office, Nanded.

... Respondents.

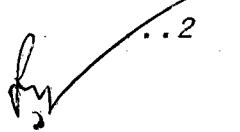
(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant challenging the order of termination dated 02.11.1999. Respondents have filed reply opposing the application. We have heard the Learned Counsels appearing on both sides regarding admission.

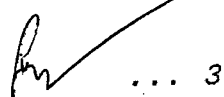
2. The applicant's father was earlier working as E.D. Packer at Yeshwant Nagar, Nanded District. On medical incapacity his

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services came to be terminated by order dated 09.02.1998. Subsequently, the applicant was appointed on compassionate ground in the place of his father. Subsequently, the administration noticed that applicant's appointment on compassionate ground was not valid and on such review, the order dated 02.11.1999 was passed terminating the services of the applicant. That is how the applicant has approached this Tribunal for quashing the impugned order and for reinstatement, etc.

3. The respondents have filed reply stating that though the applicant was initially appointed by way of compassionate appointment, subsequently, when the matter was reviewed by the Headquarters' office at New Delhi, it was noticed applicant's appointment was not according to law and that is how on such review the applicant's services came to be terminated.


4. The applicant's father was working as a E.D. Packer and his services came to be terminated on medical grounds. The respondents have pointed out that according to rules compassionate appointment is permitted only in a case of official dying in harness. Since the applicant's father is alive and his services were terminated on medical ground, the question of compassionate appointment in his place will not arise. We must bear in mind that applicant's father was not a regular permanent Government servant but he was a E.D. Packer. Against such employees compassionate appointment is provided only on one ground i.e. dying in harness. Therefore, in this case, the respondents have rightly pointed out that applicant's appointment was not according to law and, therefore, his services have been terminated.

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5. The Learned Counsel for the applicant was not able to point out any rule under which compassionate appointment could be given when a father who was a E.D. Packer, had taken voluntary retirement or his services had to be terminated on medical grounds. We cannot give any direction contrary to rules. Therefore, in the facts and circumstances of the case, we hold that we cannot interfere in the matter.

Since this is only a case of appointment of Extra Departmental Agent and since the applicant has already worked for six months, it is open to the respondents to consider the engagement of the applicant as E.D. Agent as and when the vacancy arises, provided he satisfies all the requirement in law.

6. In the result, the application is rejected at the admission stage. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)

OS*


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.