

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

06.02.2014

OA No. 291/00057/2014

Mr. Kamal Kant Sharma, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 291/00057/2014

Jaipur, the 06th day of February, 2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Yogesh Kumar Sharma son of Late Shri Moti Ram Sharma, aged about 22 years, by caste Brahmin, resident of Village & Post – Talcheri, Tehsil Nadbai, District Bharatpur.

... Applicant
(By Advocate: Mr. Kamal Kant Sharma)

Versus

1. Union of India through Post Master General, General Post Office, M.I. Road, Jaipur.
2. The Superintendent of Post Office, Bharatpur, Department of Post India, Rajasthan.
3. The Inspector, Department of Post, Post Office Nadbai, District Bharatpur (Rajasthan).

... Respondents
(By Advocate:)

ORDER (ORAL)

Heard the learned counsel for the applicant. The father of the applicant was initially appointed on the post of Messenger (EDA) in the Department of Post on 19.03.1981. Subsequently the father of the applicant was terminated from service on 24.04.1994.

2. Being aggrieved with the termination order, the father of the applicant raised an industrial dispute and during the pendency of this dispute, the father of the applicant expired on 11.12.2006.

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3. The learned Central Government Industrial Tribunal passed the award on 31.12.2010. The Hon'ble Tribunal held that the termination of the deceased employee was illegal one and the legal heirs of the deceased employee are entitled to back wages from the date of termination to the date of death of the deceased employee. It was also held that the legal heirs of the deceased employee will also be entitled to other consequential benefits.

4. The learned counsel for the applicant submits that the respondents paid all the dues to the legal heirs of the deceased employee but the respondents have not given appointment to the applicant on compassionate grounds.

5. The applicant had sent a legal notice to the respondents on 05.10.2010 (Annexure A/8). The learned counsel for the applicant submitted that actually this notice was sent on 05.10.2012. The respondents have replied to this notice vide Annexure A/9 dated 25.10.2012, stating that all the dues have been paid to the legal heirs of the deceased employee and thus the order of the Hon'ble Tribunal had been fully complied with.

6. The learned counsel for the applicant seeks to file a fresh representation with the specific request to give compassionate appointment. He is at liberty to file such representation with the paper book of this OA within a period of 15 days from today. On receipt of such a representation, the respondent no. 2 is directed to decide the representation of the applicant according

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to the provisions of law expeditiously but not later than three months from the date of receipt of the representation of the applicant.

7. If the applicant is aggrieved with the decision of the respondent no. 2, he is at liberty to file substantive OA.

8. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ