

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 256 of 2003

Jabalpur, this the 24th day of July 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Anwar Ali, S/o Shri Afzal  
Hussain, aged about 29 years,  
R/o House No. 633, Tagore Ward-2,  
Gandhi Nagar, Bhopal (MP)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,  
Department of Post and Telegraph,  
New Delhi  
Through : Director,

2. Post Master General,  
Madhya Pradesh,  
Indian Postal Department,  
Hoshangabad, Road,  
Bhopal (MP)

RESPONDENTS

O R D E R (ORAL)

By J.K. Kaushik, Judicial Member -

Shri Anwar Ali has filed this Original Application for seeking a direction<sup>to</sup> the respondents to grant him the appointment on compassionate ground.

2. The brief facts of the case are that the applicant is son of Shri Afzal Hussain. The applicant's father was employed on the post of Postman in the respondent's department and was declared unfit on 23.6.2001. The said Government servant has been granted pension at the rate of Rs. 2424/- per month. The applicant has prayed for consideration of his case on compassionate ground. He had earlier filed Original Application No. 22/03 before this Tribunal which was disposed of vide order dated 23.1.2003. Thereafter, the respondents have issued impugned order dated 26.2.2003 (Annexure A-4) turning down his request. The Original Application has been filed on number of grounds mentioned there in.

3. At an earlier occasion on 8.5.2003 the learned counsel for the applicant Shri Ashok Shrivastava was heard in the

matter. His attention was drawn to the one of the judgment, of this Tribunal in OA No. 694/98 Shiv Charan Vs. UOI decided on 29.4.2003 wherein it has been held that a person who has attained the age of 25 years does not come in the definition of dependent family member and in the present case the applicant has completed 29 years of age on that day. The time was taken by the learned counsel for studying the matter, and submitting the legal position as well as to bring on records other relevant material of facts. Accordingly case was listed on 19.6.2003 but learned counsel for the applicant was not present on that day, and the case was again posted on 24.7.2003. Today also none is present on behalf of the applicant, even the case was called thrice. Thus we have left with no option except to decide the matter.

4. The controversy involved in this case is fully covered by the aforesaid judgment in the case of Shiv Charan in which one of us (Member (J)) was party to the judgment. We have no hesitation in following the same decision. In view of this, ~~therefore~~ there is no need of fresh discussion in the matter and we follow the aforesaid decision and apply the same to this case.

no

5. In the premises the applicant has ~~no~~ case for interference by this Tribunal. Accordingly the Original Application fails and the same stands dismissed in limine at admission stage.

(Anand Kumar Bhatt)  
Administrative Member

(J.K. Kaushik)  
Judicial Member

पृष्ठक सं. ओ/का. .... जयपुर, दि. ....

- (1) सचिव, उच्च न्यायालय, जयपुर
- (2) सचिव, न्यायाधीश, जयपुर
- (3) प्रमुख न्यायाधीश, जयपुर
- (4) न्यायाधीश, जयपुर

सूचना एवं आवश्यक कार्रवाई हेतु

*(Signature)*

Issued  
on 01-8-03  
AS

Shiv Charan, Adv Bhopal.