

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 820 of 2003

Jabalpur, this the 20th day of February, 2004

Hon'ble Mr. G.Shanthappa, Judicial Member

Umakant Tripathi  
Son of Late Shri Tulsiram Tripathi  
aged about 21 years,  
Gram Pipariyakala District  
Seoni, M.P.

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India,  
Through Secretary,  
Postal and Telegram Department  
New Delhi.
2. The Chief Post Master General  
Madhya Pradesh Circle, Bhopal,  
M.P.
3. Chief Post Master General,  
Chhattisgarh Circle, Raipur,  
CG

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

O R D E R (ORAL)

The above OA is filed seeking the following reliefs:-

- (i) to quash the letters dated 24.11.2000 and 12.9.2003 issued by the Respondents No.2 No.3 respectively.  
To direct the respondents  
(ii) to issue appointment order of the petitioner on the post of Postman with effect from the date of application dated; 2.8.2000 along with seniority and other pecuniary benefits.
2. The brief facts of the case are that the applicant is the son of Shri Tulsi Ram Tripathi. Shri Tulsi Ram Tripathi died in harness on 21.12.92. Due to the death of the applicant's father, no body is there in the family to earn livelihood. The mother of the applicant has been sanctioned family pension of Rs. 1760/- and 50000/- has been paid towards terminal benefits. It is contended by the applicant, that the terminal benefits and family pension are insufficient for their livelihood. Therefore, the applicant

has submitted his representation for appointment on compassionate ground. The respondents have rejected the claim of the applicant vide order dated 24.11.2000 (Annexure-A-1). The applicant has alleged that the respondents have not considered his case in accordance with the guidelines issued by the DOPT. They have to consider the case of the applicant for three consecutive period. Admittedly they have considered the case of the applicant only for one time. The impugned order in the form of a cyclostyled order. Therefore, the same is not sustainable in the eye of law, and is liable to be quashed.

3. None for the applicant. We are disposing of this OA by invoking Rule 15 of the Central Administrative Tribunal(procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the record.

4. The respondents have not filed their reply. The learned counsel for the respondents stated that the impugned order speaks about the family particulars of the deceased. Though, the impugned order dated 24.11.2000(Annexure-A-1) is a cyclostyled order, but the reasons are assigned there in. Hence, the applicant has not proved his case for compassionate appointment and the OA is liable to be dismissed. The learned counsel for the respondents further stated that the father of the applicant had died in harness on 21.12.92, the applicant has not approached to the respondents promptly. He has approached the respondents after lapse of 8 years. Therefore, the application of the applicant is barred by limitation and the same has to be dismissed on the basis of belated claim.

5. I have perused the impugned order dated 24.11.2000 (Annexure-A-1). This is in the form of a cyclostyled order. The respondents have/<sup>only</sup> filled up the gaps in the

said proforma and there is no proper application of mind. The claim of the applicant has not been considered under the existing rule vide official memorandum dated 3.4.01. They have not mentioned and kind of official memorandum in the impugned order. Hence, the impugned order is in the form of a cyclostyled order. As per the official memorandum they have not considered the case of the applicant. I direct the respondents to consider the case of the applicant by applying the relevant rules to the case of the applicant and including the OM dated 3.4.01 issued by the DOPT<sup>by</sup>/passing a detailed, reasoned and speaking order within 3 months from the date of receipt of a copy of this order. After passing the order, they are directed to communicate the same to the applicant promptly.

6. In the result, OA is allowed and the impugned order dated 24.11.2000(Annexure-A-1) is quashed. No costs.

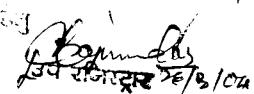
  
(G. Shanthappa)  
Judicial Member

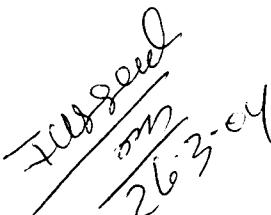
प्रांगण सं. ओ/सा. .... गडग, कर्नाटक, दि. ....

(1) गडग जिल्हा नियन्त्रक विभाग, गडग  
(2) गडग जिल्हा नियन्त्रक विभाग, गडग  
(3) गडग जिल्हा नियन्त्रक विभाग, गडग  
(4) गडग जिल्हा नियन्त्रक विभाग, गडग

सूचना एवं विवरण उपलब्ध कराया गया

M. Singh  
K N Petkar

  
कर्नाटक विधायक सभा

  
Filed on  
26/3/04

SKM