

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **09th** Day of **April**, 2019)

Hon'ble Mr. Rakesh Sagar Jain-J.M.

Original Application No. 330/677/2013

(U/S 19, Administrative Tribunal Act, 1985)

1. Smt. Vimla Devi, W/o Late Suresh Chandra Gupta.
2. Annapurana Kesharwani, D/o Late Suresh Chandra Gupta, Residents of: 292, Bahadur Ganj, Allahabad.

..... **Applicants**

By Advocates: **Ms. S. Mandhyan.**

Versus

1. Union of India through Secretary, Department of Posts, Ministry of Post and Telegraph, New Delhi-110 001.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Allahabad Division, Allahabad.
4. Senior Superintendent of Post Offices, Allahabad.

..... **Respondents**

By Advocate: **Shri D.C. Mishra.**

O R D E R

Heard Ms. S. Mandhyan, learned counsel for the applicant and Shri D.C. Mishra, learned counsel for the respondents.

2. The present OA has been filed against the impugned order dated 30.04.2013 whereby the application for appointment on compassionate ground on account of death of Suresh Chandra Gupta i.e., husband of Applicant No. 1 and father of Applicant No. 2 while working in the respondents department has been rejected.

3. The main ground advanced by counsel for the applicants is that the impugned order only mentions that 48 marks points have been given to the applicants but does not give the break up of the points so awarded and that the respondents have sought to reject the application, as per, the Scheme of 2010 which is not applicable to the present case. Shri Suresh Chandra Gupta died in the year 2003 and therefore, application was to be considered as per Scheme prevailing in the year 2003, this was not so considered while awarding the marks. Hence, counsel for the applicant submits that the OA be allowed.

4. On the other hand, learned counsel for the respondents while supporting the impugned order argued that the impugned order rejecting the application is legal and in accordance with the prevailing rules and regulations and that applicants have no statutory right for

being appointed on compassionate ground, as such the OA be dismissed.

5. Heard the arguments for counsel for the parties and perused the pleadings available on records

6. The contentions of learned counsel for the applicants have force and have to be accepted.

7. It is apparent that the respondents did not supply the details of the weightage points awarded to the applicants so, the applicants are not in a position to know whether the correct points have been awarded to them or not.

8. Accordingly, the impugned order dated 30.04.2013 is quashed and OA is disposed of with the direction to the applicants to approach the respondents/competent authority who shall supply a copy of weightage points allocated to them. Thereafter, the applicants would be at liberty to file a statement before the respondents as to why, as per, their calculations, the quantum of points awarded to them are incorrect. The respondents on receipt of the statement would re-consider the case of the applicants within three months there from and dispose of the matter by way of speaking and reasoned order under intimation to the applicants. If the case of applicants is reconsidered the

respondents would apply the scheme which was existing at the time of death of deceased Suresh Chandra Gupta. It be noted that nothing has been expressed on the merits of the case. No order as to costs.

(Rakesh Sagar Jain)
Member (J)

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