

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Dated: This the 12th day of April 2019

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No. 330/01344 of 2017

Rohit Kumar Verma S/o Late Binda Prasad, Aged about 23 years, R/o Village – Karuiaha Purawa, Post – Baberu, District - Banda.

.....Applicant

By Adv: Shri O.P. Gupta

Versus

1. Union of India through Secretary, Ministry of Telecommunication, Government of India, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Circle Relaxation Committee, U.P. Circle, Lucknow.
4. Superintendent of Post Offices, Banda Division, Banda.
5. Director Postal Services, Office of PMG Kanpur, Kanpur.

.....Respondents

By Adv. Shri G.K. Upadhyay

O R D E R

BY HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

1. The applicant Rohit Kumar Verma has filed the present Original Application u/s 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:
 - i. *To quash rejection orders dated 12.02.2016 (Anne No. A-3) and order dated 17.06.2014/23.06.2014 (A-2) passed by the respondents and further.*
 - ii. *To direct the respondents to re-consider the applicant for compassionate appointment in accordance with the existing rules and procedure as early as possible and if he is found suitable, he may be offered appointment on compassionate grounds.*
2. Case of applicant Rohit Kumar Verma is on the death of his father Binda Prasad who died on 27.08.2011 while working in the respondent-department, application was filed in the department for appointment of applicant on compassionate basis, however, the application was rejected by the respondents vide order dated 23.06.2014, which rejection is the subject matter of the present O.A. The reason for rejection of application was that the applicant

received 48 points whereas the last candidate obtained 66 points, as such, he could not be given the compassionate appointment.

3. Applicant challenges the impugned order on the ground that applicant has been assessed incorrectly by the respondent while awarding 48 points whereas he is entitled to a minimum of 71 points as Point System adopted by the respondents, details of which he has given in paragraph No. 4 of the O.A. Hence the present O.A. challenging the decision to reject his candidature by awarding him wrong points.
4. Respondents in their counter affidavit have denied the claim of applicant by stating therein that the points were correctly awarded to the applicant on the assessment of his situation, as such, the O.A. deserves dismissal.
5. I have heard and considered the arguments of the learned counsel for the parties and gone through the material on record.
6. In the counter affidavit, as per, paragraph No. 7, there is no specific reply to the assertion of applicant made in paragraph No. 4 regarding the incorrect points awarded to the applicant. The reply is that the 'version of applicant is false' but why it is false has not been clearly mentioned in the reply.
7. Looking to the facts and circumstances of the case, the impugned orders dated 12.02.2016 and 17.06.2014 is set aside and respondents are directed to reconsider the compassionate appointment application of the applicant. However, applicant is directed to give a chart with explanation to the respondents (competent authority) detailing the points to which he entitled to and the reasons thereof within a period of 10 days from the receipt of the copy of this order. The same shall be considered by the competent authority while taking a fresh decision on the application of applicant, needless to say, the competent authority will dispose of the compassionate appointment application of the applicant by a reasoned and speaking order in the next meeting of the CRC and inform the applicant about its decision. O.A. is accordingly disposed. No order as to costs.

(Rakesh Sagar Jain)
Member (A)

/Shashi/