

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

**Original Application No. 332/00209/2017
This the 24th day of April, 2019**

Hon'ble Ms. Jasmine Ahmed, Member - J

Anil Kumar Tewari, aged about 33 years, son of late Ram Dularey Tewari, R/o Village & Post Tewari Ka Purwa (H/o Gedesar), Durjanpur Ghat, Gonda.

..... Applicant

By Advocate: Sri Praveen Kumar

VERSUS

1. Union of India, through Director General, Department of Posts. Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Gonda Division, Gonda.

..... Respondents

By Advocate: Sri Ram Bilash Verma

ORDER (ORAL)

It is the contention of the Learned Counsel for the Applicant that while rejecting the case of the applicant vide order dated 30.12.2016, the respondents only stated that taking into consideration the family position and the given retiral benefits to the family and also taking into consideration the immovable property the respondents did not find the family of the applicant/applicant fit for grant of compassionate appointment. Accordingly, they have not passed any order of engagement to the applicant for compassionate appointment.

2. Learned counsel for the applicant further states that the respondents are duty bound to provide all the documents to the applicant in regard to consideration of his candidature for grant of compassionate appointment as nothing is clear from the order dated 30.12.2016 how the case of the applicant was compared vis-à-vis other similarly situated persons who were also in the que of consideration for grant of compassionate appointment.

3. Learned counsel for the respondents states that as the case of the applicant was not in the merit vis-à-vis other candidates, hence, he was not granted any compassionate appointment and nothing illegal or arbitrary has been caused to the applicant.

4. Counsel for the applicant also relied upon the judgement passed by the Hon'ble Apex Court in the case of **Mukesh Kumar Vs UoI & Ors, Appeal (Civil) No. 4058 of 2007** pronounced on 05.09.2007 wherein in Para 7 it is quoted as under:

"There is no indication as to on the basis of which materials the conclusion was arrived at. It is also not clear as to what were the materials before the Circle Level Selection Committee to conclude that the family was not in financially indigent condition....."

5. Accordingly, as it is found from the impugned order that no description or detail has been provided to the applicant how his case has been compared vis-à-vis other similarly situated persons, respondents are directed to provide all the documents to the applicant through which his candidature has been compared vis-à-vis other candidates for grant of compassionate appointment within a period of two months from the date of receipt of certified copy of this order. It is made clear that nothing has been commented on the merit of the case.

6. With the above observation and direction, the O.A stands disposed of. There shall be no order as to costs.

(Jasmine Ahmed)
Member (J)

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