

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00028/2017

DATED THIS THE 11TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Vijaya Kumari
Aged about 43 years,
W/o Late Javarayee,
Ex. BPM Chikkarasinkere B.O.,
Residing at:
Chikkarasinkere,
Mandya Taluk & Dist.

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by its Director
General of Post,
Dak Bhavan,
New Delhi – 110 001.
2. Chief Post Master General,
Karnataka Circle,
Bangalore – 560 001.
3. Post Master,
South Karnataka Region,
Bengaluru – 560 001.
4. Suptd. of Post Offices,
Mandya Postal Division,
Mandya – 571 401.

....Respondents

(By Shri M. Rajakumar, Senior Central Government Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

The issue in this matter is very very small. The applicant who is a widow of the deceased GDS employee has applied for compassionate appointment but since she has not qualified SSLC examination the respondents refused to do so. We heard Shri M. Rajakumar, learned counsel for the respondents, in great detail in the matter. Apparently the DoPT in their OM No. 14014/2/2009-Estt. (D) dated 11.02.2009 and 03.04.2012 in Clause 35 and 36 had made it clear that even if a person is not possessing the educational qualification he can be appointed as a Trainee. Vide Clause 36 it is stipulated that in the case of a widow who does not fulfill the educational qualification then the compassionate appointment can be given against the post of the Multi-Tasking Staff if she can satisfactorily perform the duties of the post with the help of some on-the-job training. The same principle applies here also. This will be adopted by the respondents and appropriate appointment order issued to the applicant. Since this is the only contention raised against the applicant being appointed, the appointment order of the applicant will be issued within two months from today and, if necessary, she will be given on-the-job training and appointed. At this point of time, the learned counsel for the applicant submits that the applicant's husband passed away in the year 2013 and the changes were made incorporating the requirement of SSLC as qualification only in the year 2015 and therefore he would say that at point of nexus and juncture also there is no case for the respondents. Shri M. Rajakumar, learned counsel for

the respondents, would say that her claim was only considered in 2016 which again is an infraction on the part of the respondents.

2. The OA is allowed. Appointment order to be issued within two months next. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00028/2017

Annexure A1: True copy of Aadhar Card No. 818048147047 of the applicant.

Annexure A2: True copy of letter dated 07.11.2013 issued by the Suptd of Post Offices, Mandya.

Annexure A3: True copy of Suptd of Post Office Mandya letter No.B2/Comp Appt Javarayee dlgs/12-13 dated 02.11.2015

Annexure A4: True copy of representation of the applicant dated 01.12.2015

Annexure A5: True copy of Post Master General, Bangalore letter No.SK/R&E/16-06/2015 dated 9/10.08.2016

Annexure A6: True copy of extract of Swamysnews on Frequently Asked Questions on Compassionate Appointment.

Annexure A7: True copy of judgment of Hon'ble High Court of Punjab & Haryana in CWP No. 4303 of 2009 and connected writ petitions dated 20.04.2012

Annexures with reply statement:

Nil.
