

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)

OA 934/2013

Sri Himansu Sekhar Biswal, aged about 22 years, S/o Sri Jibardhan Biswal, At-Nehru Nagar, Po-Rajendra College, Dist.- Bolangir-767002.

.....Applicant

VERSUS

1. Union of India represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Post Master General, Oeisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. Superintendent of Post Offices, Bolangir Division, At/Po./Dist-Bolangir-767002.

.....Respondents.

For the applicant : Mr. N.R. Rout

For the respondents: Mr. S. Swain

Heard & reserved on :22.11.2019

Order on :

O R D E R

Per Hon'ble Mr. Swarup Kumar Mishra, Member (J):-

This O.A. has been filed with the following relief(s):-

“ It is humbly prayed that the Hon'ble Tribunal may be graciously pleased to quash Annexure-A/3 and direct the Respondents to reconsider the case of applicant for providing compassionate appointment under compassionate quota.

And any other order(s) as the Hon'ble Tribunal deems just and proper in the interest of justice.

And for this act of kindness, the applicant as in duty bound shall remain ever pray.”

2. It is the case of the applicant that, his father who was an employee of the Postal Department fell ill, and hence, applied for retirement on medical ground w.e.f. 08.02.2008, after he was found to be unfit as per the CDMA report. But he was not allowed to retire, for which the father of the applicant approached this Tribunal by filing O.A. No.311/08. After the order dated 06.11.09 passed in O.A. No.311/08, the applicant was allowed to retire with effect from 22.02.08 at the age of 52 years. The father of the applicant was suffering from depression

psychosis which comes under the provision of mental retardation/mental illness and also under the purview of the term “disability” as defined U/S.2 of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995. Therefore, on that ground, the applicant being the son of the Postal Employee prayed to the respondents for appointment on compassionate grounds. The applicant claims that he deserves more points on this score alone. Besides, the liability of marriage of one daughter, education of younger brother, the family has liability of loan amounting to Rs.5,00,000/- and there are other grounds also for which the applicant is in need for compassionate appointment. Although the case of the applicant was referred to the CRC on two occasions for appointment on compassionate ground, the respondents had not given any appointment. It is the case of the applicant that other candidates who are less deserving and having less liability than that of the applicant, have been given appointment on compassionate ground.

3. The applicant had approached this Tribunal by filing O.A. 661/10 which was disposed of on 05.07.11. with a direction to respondents to consider the grievance of the applicant. Thereafter, vide order dated 02.11.11 (Annexure-A/3) the CRC considered the case of the applicant taking into account the Departmental rules and guidelines, but did not approve the case of the applicant, as he did not come under the competitive merit point. Aggrieved thereby, the applicant has approached this Tribunal by filing the present O.A. with the above mentioned prayers.

4. Since this case is going to be disposed of at the admission stage, therefore, the respondents have not been directed to file counter. Heard Learned Counsels for the applicant and Respondents.

5. Ld. Counsel for the applicant drew the attention of this Tribunal to the Circular dated 30.05.2017 in support of his submission that under the revised scheme for compassionate appointment of an eligible dependent of deceased Gramin Dak Sevak. He also cited the judgment in support of his submission passed by this Tribunal in O.A. No.885/13 which was disposed of vide order dated 21.01.2019 with a direction to respondents to reconsider the case of the applicant for compassionate appointment in the light of the instructions issued vide O.M. dated 09.10.98 read with circular dated 30.05.17. In view of the above, without expressing any opinion on the merit of this case, this Tribunal directs the respondents to reconsider the case of the applicant for compassionate appointment as per O.M. dated 09.10.98 read with circular dated 30.05.17 and other circulars and rules, and take a decision in the matter preferably within a period of four months from the date of receipt of copy of this order. The decision taken in this regard by the respondents shall be communicated to the applicant through a reasoned and speaking order.

6. The O.A. is accordingly disposed of. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)