

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

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

OA 43/2019

Sri Omkar Senapati, aged about 22 years, S/o Rameswar Senapati, Ex-SPM, Premnagar SPO, Berhampur Division, At/Post-Housing Board, Nilakantha Nagar, Berhampur-760002, District-Ganjam.

.....Applicant

VERSUS

1. Union of India represented through the Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Post Master General, Oeisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. The Postmaster General, Berhampur Region, Berhampur-760001, Dist-Ganjam.
4. The Sr. Superintendent of Post Offices, Berhampur Postal Division, At/Post-Berhampur-760001, Dist-Ganjam.

.....Respondents.

For the applicant : Mr. G.K. Behera

For the respondents: Mr. C.M. Singh

Heard & reserved on :22.11.2019

Order on :

O R D E R

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

The applicant has filed this O.A. with the following relief(s):-

“ i) Hold/declare that the Office Letter No.B/G-46/Ch-V dtd.07.05.2018 under Annexure-A/7 in not recommending/approving the case of the applicant for compassionate appointment in relaxation of normal recruitment rules is bad & illegal;
ii) Direct the respondents to reconsider the case of the applicant for compassionate appointment in relaxation of normal recruitment rules immediately;
iii) And pass any such other order(s) as may be deemed fit and proper in the bonafide interest of justice.”

2. The applicant is the son of a deceased Postal employee. As averred in the O.A., his father died in harness on 28.12.2016 leaving behind the legal heirs shown in Annexure-A/2. The applicant has passed HSC Examination and Diploma in Electrical Engineering. The family pension is not sufficient for the sustenance of the family as there is no other source of income. They had also incurred some

loans for construction of residential house and marriage of elder daughter. On the basis of the application submitted by the applicant, the respondent No.4, communicated to applicant Annexure-A/7 dated 07.05.2018 to the effect that although his case was considered by the CRC, but it could not be approved as the merit points obtained by him based on norms of Department is lower than the points secured by the candidates recommended/approved for compassionate appointment. The applicant claims that it is difficult to maintain the family and therefore, compassionate appointment should be given to him. The applicant has relied upon the DOPT circular dated 05.05.2003 in support of his claim that his case should be considered at least for three times. Accordingly, he has approached this Tribunal seeking the relief as mentioned above.

2. The respondents have filed their counter, interalia mentioning that the applicant has tried to mislead this Tribunal. The details about the family members have been filed vide Annexure-R/2 and copy of the Solvency Certificate has been filed vice Annexure-R/3. The copy of the minutes of the CRC dated 18.04.2018 has been filed vide Annexure-R/1. Accordingly, respondents have prayed that the case should be dismissed being devoid of merit.

It is not disputed by the respondents that the case of the applicant cannot be considered on three times on the ground that in Para-16 of the counter, it has been pointed out that as per rules, Departmental cases are placed before the CRC once in a year during the month of April-June. The rejected cases are considered if the applicants apply for the same.

3. Therefore, taking into consideration the counter of the respondents and circular dated 30.05.2017 of the DOP&T by which the CRC is competent and empowered to reconsider the pending cases of compassionate appointment and

taking into consideration the earlier judgment dated 21.01.2019 rendered by this Tribunal in O.A. No.885/13, this Tribunal directs in case the applicant files a fresh application to that effect within one month from the date of receipt of copy of this order, the respondents shall consider the case of the applicant for compassionate appointment in the light of the instructions issued vide Office Memorandum dated 09.10.1998 read with the circular dated 30.05.2017 of the DOP&T and pass a reasoned and speaking order within a period of ninety days from the date of receipt of such application.

4. The O.A. is disposed of without expressing any opinion on the merit of the case. No order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

K.B.