

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI BENCH

Original Application No.339 of 2018

Date of Order : This the 04.10.2018.

HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER

HON'BLE MR,N.NEIHSIAL, ADMINISTRATIVE MEMBER

Miss.Momtaz Begum

Wife of Md.Jehirul Islam,

R/O-Village & P.O.:Fakuli Pathar

P.S.Juria

Dist: Nagaon, Assam

PIN-782124

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Applicant

By Advocate Mr.M.U.Mahmud

-versus-

1. The Union of India, represented by the Secretary to the Ministry of Post and Telegraph Deptt., Government of India, New Delhi.

2. The Chief Post master General, Assam Circle, Meghdoot Bhawan, Guwahati-01

3. The Superintendent of Post Offices, Nagaon Division, Nagaon, Assam, PIN-782001

4. The Inspector of Posts Offices, Nagaon East Sub-Division,

Nagaon-782001

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Respondent

By Advocate Mr.R.hazarika, Addl.C.G.S.C.

ORDER (O R A L)

Per Mrs.Manjula Das, Member)(J):

The applicant filed this application under Section 19 of the Central Administrative Tribunals, Act, 1985 with the following reliefs:-

“The applicant prays humbly to admit this application, call for records, issue notice upon the respondents to show cause as to why the applicant shall not be appointed as GDS MD at Fakuli Pathar B.O. or any other suitable post on the basis of her qualification on compassionate ground due to the death of deceased employee namely Moizuddin Ahmed, being the daughter-in-law of the deceased employee and a member of undivided family.”

2. Heard Mr.M.U.Mahmud, learned counsel for the applicant, perused the pleadings and materials placed before us.

3. Learned counsel for the applicant submitted that the applicant's father-in-law namely; late Moizuddin Ahmed was appointed as GDS MD at Fakolipathar B.O. under Inspector of Post Offices, Nagaon w.e.f .27.01.1994 and he was working to the of all concerned. But while in service, he died on 26.09.2014, leaving behind his wife, 3 sons and 1 daughter-in-law, i.e. the applicant. The husband of the applicant,

namely Jehirul Islam, being the eldest son of the deceased employee immediately after the death of his father, filed an application for compassionate appointment. Thereafter, on 28.10.2014, he was temporarily appointed to the vacant post of GDS MD for 89 days and again on 14.12.2015, he was appointed in the said post temporarily on 04.05.2016 by the Inspector of Posts, Nagaon East Sub-Division, Nagaon and since then, she has been working there till today followed by various appointment letters issued on different dates, last being on 30.07.2018. But, the Superintendent of Post Offices, Nagaon Division rejected the claim of her husband for compassionate appointment in vacant post of GDS MD in Fakuli Pathar B.O. through the impugned order dated 29.06.2018 on the ground of being under qualified, as he is only Class-VIII passed. However, the present applicant being the family member of the deceased employee made an application for compassionate appointment for the said post having required qualification. In addition to her application, she has submitted no objection letter from her other family members. But the authority has not yet considered her application for compassionate appointment.

4. Thereafter, the applicant has submitted her representation dated 04.07.2018 for compassionate appointment. But there is no response. Hence, this application.

5. Learned counsel for the applicant submitted that the as per relevant service rule, the family member of a deceased employee is entitled to get compassionate appointment if found eligible and suitable commensurate to qualification. The applicant's husband, being the eldest son of the deceased employee sought compassionate appointment, but his claim was rejected without any justifiable ground. As such, the present applicant made an application for compassionate appointment to the post of GDS MD as she has requisite qualification and still working temporarily in that post. In the present situation of the case, the question of delay in filing application for compassionate appointment will not come, as the same has to be counted from the date of rejection of her husband's claim by the authority. Because, immediately after the death of her father-in-law her husband filed application for compassionate appointment and worked for few months in that post, but all on a sudden after many years his claim has been rejected on 29.06.2018 being under qualified. Thereafter, the

present applicant submitted representation dated 04.07.2018 for compassionate appointment. There is no intentional delay in filing the application. As such, she deserves appointment to the post of GDS MD or any post therein suitable to her qualification on compassionate ground, being the member of the deceased undivided family.

6. In view of the above circumstances, without going into the merits of the case and for the interest of justice, I direct the respondents authorities to dispose of the representation dated 04.07.2018 (Annexure-A 17) filed by the applicants within a period of 3 months from the date of receipt of copy of this order by giving adequate opportunity of being heard of the applicants. Till such time, the post of GDA MD at Fakuli Pathar BO shall not be filled up.

7. With the above directions, O.A. is disposed of at the admission stage. No order as to costs.

(N.NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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