

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 512 of 2019

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)

Sunil Kumar Hembram (unemployed), aged about 31 years, belongs to Group A, son of Late Suresh Kumar Hembram of Vill-Tankisahi, PO-Bhanjpur, PS/Town – Baripada, Dist.-Mayurbhanj.

.....Applicant

VERSUS

1. Union of India repled. Through the Secretary to Govt. of India-cum-DG(Posts), Ministry of Communications & IT, Dept. of Posts, Dak Bhawan, Sansad Marg, New Delhi – 110001.
2. Chief Postmaster General, Odisha Circle, P.M.G.Square, Bhubaneswar, Dist.-Khurda-751001.
3. Superintendent of Post Offices, Mayurbhanj Postal division, At/PO-Baripada, Dist.-Mayurbhanj- 757001.
4. Smt. Sephali Mohanta, wife of Late Bibhu Mohanta, presently working as Postal Asst., Bisoi Post Office, At/PO-Bisoi, Dist.-Mayurbhanj-757033.

.....Respondents

For the applicant : Mr.S.K.Ojha, counsel

For the respondents: Mr.B.Swain, counsel

Heard & reserved on : 19.10.2020

Order on : 23.10.2020

O R D E R

Per Mr. Gokul Chandra Pati, Member (A)

The applicant has prayed for the following reliefs in the present OA:

- “(a) The Original Application may be allowed.
- (b) The respondent No.2 may be directed to reconsider the issue afresh on the basis of representation dtd. 19.2.2018 (Annex.A/5) and further be pleased to issue directions to the Respondent No.3 to offer appoint to the applicant under the compassionate ground.
- (c) The communication dated 07.07.2017 (Annex.A/4) of the Respondent No.3 may be quashed.
- (d) Such other Order(s)/Direction(s) may be passed giving complete relief to the applicant.”

2. Learned counsel for the applicant submitted at the time of hearing that after death of the applicant's father on 10.12.2013, he applied for compassionate appointment. But his application has been rejected vide order dated 7.7.2017 (Annexure-A/4) on the basis of the decision of the Circle Relaxation Committee (in short CRC) on 25.4.2017. Thereafter, the applicant's mother in her representation dated 19.2.2018 (Annexure-A/5) to the Respondent No.2 requested for reconsideration of his case for compassionate appointment. This

OA was filed since no decision was taken on the representation. It was also submitted by learned counsel for the applicant the respondents have averred in para 8 of the Counter that the applicant's case was considered by the CRC on 10.6.2019, but his case was not recommended as his merit point was 48. However, no intimation was sent to the applicant about the decision of the CRC meeting held on 10.6.2019. It was also submitted that as stated in the reply to Rejoinder, the applicant's case was considered by CRC on 18.4.2018, but no communication was made to the applicant about such consideration. Learned counsel for the applicant further submitted that the applicant has disputed the merit point of 48 given to him vide para 2 of the Rejoinder, on which no reply has not been furnished by the respondents.

3. Heard learned counsel for the respondents, who reiterated the stand in the Counter that in spite of consideration of the applicant's case thrice by the CRC, his case was not recommended in view of the low merit point of 48, where as the last candidate recommended by the CRC for compassionate appointment on three occasions had higher score than the applicant. He further submitted that since the applicant's case has been considered thrice, no further consideration of his case is possible.

4. Having regard to the submissions as well as the pleadings on record, it is noticed that the respondents in their reply to Rejoinder have enclosed a copy of the circular dated 20.1.2010 (Annexure-R/6) for allocation of points to the candidates who have approached for compassionate appointment and have averred that the applicant secured 48 points, where as the last candidate recommended for compassionate appointment by the CRC on 18.4.2018 secured 60 points. The last recommended candidate in CRC meeting held on 10.6.2019 secured 63 points. The minutes of the above CRC meetings have been enclosed at Annexure-R/7 and R/8 to substantiate the contentions. However, on perusal of the minutes of the CRC on 18.4.2018, it is noticed that the applicant's case was not considered in that meeting of the CRC as revealed for the list of candidates considered but not recommended in Part-II of the minutes.

5. The applicant in para 2 of the Rejoinder has stated that the points allocated to the applicant should have been higher, but such contention has been denied in the reply to Rejoinder and a copy of the guidelines of the Respondent No.1 on point system has been enclosed with the said reply to Rejoinder. It is seen from para 3 of the reply to Rejoinder that the income of Nirupama Hembram, the sister of the applicant has been taken into account. But in para 4.6 of the OA, the applicant has stated that his sister Nirupama Hembram expired on 7.9.2018 due to inability of the applicant to provide proper treatment. It is seen

that while applicant's case was considered on 10.6.2019 after death of Nirupama Hembram, her income was taken into consideration as would be seen from the averments in para 3 of the respondents' reply to Rejoinder. Hence, the contention of the applicant in Rejoinder that the assessment chart did not mention the year in which it was prepared has some force.

6. In view of the discussions above, I am of the considered opinion that the applicant's case deserves consideration one more time after updating the assessment sheet at Annexure-R/6 on the basis of latest applicable guidelines of the Respondent No.1 on the subject and information to be furnished by the applicant, who will have liberty to furnish the income of the family members and other criteria in the format in Annexure-R/6 for assessment of merit points duly supported by documents, to the Respondent Nos. 2 and 3 within six weeks from the date of receipt of a copy of this order. The respondents will review the merit point of the applicant on the basis of information furnished by the applicant, if any and the guidelines of the Respondent No.1 and will have liberty to get the matter inquired through a responsible officer of the department and thereafter, the applicant's case for compassionate appointment will be considered once more by the CRC and the decision taken alongwith with the revised merit score of the applicant will be communicated to the applicant within six months from the date of receipt of a copy of this order.

7. The OA stands disposed of as above with no order as to cost.

(GOKUL CHANDRA PATI)
MEMBER (A)