

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATANo. O.A. 350/00378/2020
M.A. 350/00221/2020

Date of order: 1.7.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Smt. Menaka Sen,
Wife of Late Suresh Chandra Sen,
Aged about 56 years,
Ex GDSMC/EDMC,
Gitaldaha Branch Post Office,
In a/c with Dinhata SO in A/c with
Ghoksadanga SO,
Dakshin Kharija Gitaldaha,
Dinhata - I,
Under the Cooch Behar Division,
Cooch Behar,
Pin - 736 101 by
Profession Housewife.

2. Shri Subrata Sen,
Son of Late Suresh Chandra Sen,
Aged about 28 years,
Unemployed youth.

Both the applicants residing at Vill. Dolgobinda
(Samagra),
P.O. Gitaldaha,
P.S. Dinhata,
Dist. Cooch Behar,
West Bengal,
Pin - 736 175.



... Applicants

- V E R S U S -

1. Union of India,
Service through the Secretary,
Ministry of Communications & IT,
Department of Posts,
Dak Bhawan,
Sansad Marg,

New Delhi – 110 016.

2. The Chief Postmaster General,
W.B. Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata – 700 012.

3. The Superintendent of Post Offices,
Cooch Behar Division,
Cooch Behar – 736 101.

... Respondents

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. P.N. Sharma, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:



The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for compassionate appointment and seeking, in particular, the following relief:-

- (i) An order directing the respondents to consider the case of the applicant No. 2 and offer/allow him with the compassionate appointment on immediate basis.
- (ii) An order directing the respondents to consider several representations made by the applicants and specifically the representation being dated 17.01.2020 addressed to the all the respondent authority (1) Chief Post Master General, West Bengal Circle, Yogayog Bhawan, Kolkata 12 (2) The Superintendent of Post Office, Cooch Behar Division, Coochbehar to be considered and disposed of in a time bound manner.
- (iii) An order directing the respondents to produce entire records of the case at the time of adjudication before the Hon'ble Bench with copy to the Ld. Advocate appearing for the applicants for consicnable justice.
- (iv) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. An M.A. bearing No. 350/00221/2020 has been filed by the applicants praying for liberty to jointly prosecute this application. Such prayer is allowed in terms of Rule 4(5)(a) of Central Administrative Tribunal

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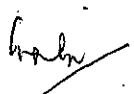
(Procedure) Rules, 1987 on grounds of commonality of interest and common cause of action.

The M.A. is disposed of accordingly.

3. The submissions of the applicants, as made through their Ld. Counsel, is that the husband of applicant No. 1 and the father of applicant No. 2, had breathed his last on 25.4.2017. The deceased employee had died in harness while working as a GDSMC with the respondent authorities. The ex-employee left behind his widow, one son and one daughter and having no other source of income, applicant No. 2 had prayed for compassionate appointment for sustenance of the family. According to the respondent authorities, his prayer has been forwarded to the competent authority for consideration. As no favourable decision has been received as yet in this regard, the applicants have approached this Tribunal with the instant O.A.

4. Ld. Counsel for the applicant would pray for disposal of the representations. Ld. Counsel for the respondents would not object to disposal of such representations in accordance with law.

5. Upon perusal of the relevant records it would reveal that, as per the death certificate annexed at A-1, father of the applicant No. 2 had passed away on 25.4.2017. The widow of the deceased employee thereafter prayed on 12.12.2018 (Annexure A-4 colly.) to the respondent authorities requesting them for compassionate appointment in favour of her son. Applicant No. 2, who is an M.A., B.Ed. had also prayed to the concerned authorities on 22.4.2019 (Annexure A-6 to the O.A. colly.) which was followed by another prayer from the applicant No. 1 on 17.1.2020. The applicants would also furnish other decisions of the Tribunal in support of their claim.



6. As the respondent authorities had not issued any intimation to the applicant No. 2, despite the prayers made both by applicant No. 1 as well as applicant No. 2 on the subject of compassionate appointment, we would upon consent of both parties, deem it fit to direct respondent No. 3, who is the Superintendent of Post Offices, Cooch Behar Division, Cooch Behar, or any other competent authority, to take steps to consider the prayer of the applicant for compassionate appointment in accordance with the settled norms and to pass appropriate orders within three months from the date of receipt of a copy of this order.

We have, however, refrained from entering into the merits of the matter, and, the respondents are at liberty to decide on the basis of relative assessment of similarly situated candidates praying for compassionate appointment and in terms of extant rules in this regard.

7. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP