

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00906/2016

Date of Order: 29.12.2020

Coram: Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Sабita Das,
Wife of Late Somenath Das,
Aged about 61 years,
(Ex. Gr. D staff worked in
Barrabazar Head Post Office),
18, Balmukunda Maccar Road,
Kolkata – 700 007),
Residing at 57/7/H/11,
B.T. Road,
Kolkata – 700 002.

2. Sri Sekhar Das,
Son of Late Somenath Das
(Ex- Gr. D Staff of
Barrabazar Head Post Office),
18, Balmukunda Maccar Road,
Kolkata – 700 007),
Residing at
57/7/H/11, B.T. Road,
Kolkata – 700 002.

... Applicants

Vs.

1. Union of India
Through the
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi – 110 001.

2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata – 700 012.

3. The Senior Post Master,
Barrabazar Head Post Office,
Kolkata – 700 007.

4. The Assistant Director of
Postal Services (Recruitment),
Office of the Chief Post Master General,

48/1

W.B. Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata - 700 012.

5. The Director of Postal Services (HQ),
Office of the Chief Postmaster General,
W.B. Circle,
Yogayog Bhawan,
Kolkata - 700012.

.... Respondents

For The Applicant(s) : Mr. K. Sarkar, counsel

For The Respondent(s) : Mr. M.K. Ghara, Counsel

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) To grant leave to file this joint application by the applicants under Rule 4(5)(a) of the Administrative Tribunal (Procedure) Rules, 1987;
- (ii) To direct the respondents to cancel, withdraw and/or rescind the impugned order of rejection of appointment of the applicant No. 2 on compassionate ground vide memo dated 27.5.2016 as contained in Annexure "A-13" herein;
- (iii) To direct the respondents to give appointment to the applicant No. 2 herein on compassionate ground without any further delay;
- (iv) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal including the records and minutes of the meetings of Circle Relaxation Committees held from time to time regarding compassionate appointment for effective adjudication of the issues involved herein;
- (v) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard both Ld. Counsel, examined pleadings and documents on records.

The applicants, widow and son of the ex-employee, are granted leave for joint application on grounds of common interest and common cause of action under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

[Signature]

3. The submissions of the applicant as advocated through his Ld. Counsel, is that the father of the applicant, an ex-employee of the respondent authorities died in harness on 14.7.2000. On 26.8.2000, the applicants had represented to the Chief Post Master, Barrabazar Head Post Office, praying for compassionate appointment.

On 31.10.2006 (Annexure A-3 to the O.A.), the respondent authorities informed the applicant that although his matter was taken up in the CRC meeting of October, 2005, it could not be finally approved for compassionate appointment due to paucity of vacancies in all cadres. The applicants thereafter, made a number of representations for reconsideration of his matter, and, after a series of rejections, approached this Tribunal in O.A. No. 350/01732/2015 which was disposed of by this Tribunal by directing the respondent authorities for reconsidering his case on the basis of the Scheme as prevalent during the relevant point of time when the applicant had become eligible to be considered for compassionate appointment. The respondent authorities, thereafter, vide their order at Annexure A-13 to the O.A. once again reiterated their findings that there were no vacancies when the matter was taken up in October, 2005 CRC meeting and also that, the Department of Posts have introduced a merit points system in 2010 in terms of which the applicant's score fell below those of the recommended candidates. The respondent authorities also referred to the Hon'ble Apex Court's ruling that compassionate appointment is not worthy of consideration after lapse of reasonable period. Challenging such rejection, the applicants have come forth before this Tribunal reiterating their claim on compassionate appointment.

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4. Id. Counsel for the respondents, in response, would furnish a communication dated 23.12.2020 issued from the Office of the Chief Postmaster General, West Bengal Circle, Kolkata to the Office of the Director (SPG), New Delhi in which the Kolkata Office had sought for approval of the recommendations of the CRC meeting held on 6.11.2020 in favour of the applicant. The said communication, which is taken on record, is reproduced as below:-

Department of Posts
 Office of the Chief Postmaster General,
 West Bengal Circle,
 Yogayog Bhawan
 Kolkata - 700 012.

U/E

REMINDER

To
 The Director (SPG),
 Dak Bhawan,
 Sansad Marg,
 New Delhi - 110 001.

No.: SFB/Z-23/2001/IV/MTS Cadre Dated at Kolkata-700 012, 23.12.2020

Sub: Compassionate appointment cases recommended by the Circle Relaxation Committee of West Bengal Circle in its meeting dated 24.10.2019 for appointment in MTS cadre against the earmarked vacancies for the year 2018.

Reference: Dte's letter No. 24-03/2020-SPG-II dated 10.09.2020.

Kindly refer to this office letter of even no. dated 13/17.11.2020 regarding the above mentioned subject for approval of the recommendation of the CRC meeting held on 06.11.2020 as the case is beyond 5 years old.

The mother of the applicant has filed a case before the Hon'ble CAT and the next date of hearing of the case is on 29.12.2020.

A.D.P.S. (Rectt.)
 O/o the Chief Postmaster General
 West Bengal Circle, Kolkata-700.012"

It transpires from the said communication that the applicant has indeed been recommended by the CRC committee dated 24.10.2019 as well as on 6.11.2020 and that final approval is awaited from the competent authority at New Delhi.

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5. Both Ld. Counsel would agree that this matter may be disposed of by issuing a direction on the addressee authority of the communication dated 23.12.2020 to issue their approval in a time bound manner.

6. Accordingly, the Director (SPG), New Delhi, who is the addressee of the communication dated 23.12.2020, or any other competent authority in this matter, is directed to convey their approval as per law to the recommendation made by the CRC in favour of the applicant for compassionate appointment in MTS cadre against earmarked vacancies.

Such approval should be conveyed within a period of 12 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

SP