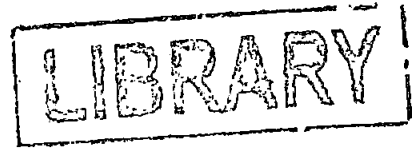


**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA  
(Through Video Conferencing)**



O.A/350/767/2021  
M.A/350/278/2021

Date of Order: 03.09.2021

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

1) Champa Ghosh W/o Late Goutam Ghosh,  
Ex GDS MD and residing at Vill. South  
Kanyanagar, P.O. Kanyanagar, P.S.  
Bishnupur, Dist. 24 Pgs(S), Pin 743503.

2) Prolay Ghosh S/o Late Goutam Ghosh,  
Unemployed youth, residing at Vill. South  
Kanyanagar, P.O. Kanyanagar, P.S.  
Bishnupur, Dist. 24 Pgs(S), Pin 743503.



--Applicants

-vs-

1. Union of India, through the Secretary,  
Ministry of Communication, Dak Bhavan,  
New Delhi – 110001.

2. Chief Post Master General, Yogayog  
Bhavan, C.R Avenue, Kolkata – 700012.

3. The Superintendent of Post PSY Division,  
Post Office Baruipur, District South 24  
Parganas, Pin 700014.

4. The Inspector of Post Office, Sonarpur  
Sub Division, Post Office Sonarpur,  
District South 24 Parganas, Pin 700014.

--Respondents

For The Applicant(s): Mr. N. Roy, counsel

For The Respondent(s): Mr. K. K. Maity, counsel

**ORDER (ORAL)**

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides who are satisfied with the quality of  
the audio/video during hearing.

2. This application has been preferred to seek the following reliefs:

"a) To issue direction upon the respondent to consider representation dated 05.03.2021 for appointment on compassionate ground in favor of the applicant's No. 2 forthwith.

b) To issue further direction upon the respondent to consider the appointment on compassionate ground and applicant No 2 name may be placed before the circle relaxation committee for appointment on compassionate ground forthwith.

c) Any other order or further order or orders has learned Tribunal deem fit and proper.

d) To produce Connected Departmental Record at the time of Hearing.

e) Leave may be granted to file a joint application under rule 4(5)(a) of the CAT procedure 1987."



3. M.A for joint prosecution is allowed.

4. The brief facts of the case as submitted by ld. Counsel for the applicant is that, the applicants are the widow and son of Late Goutam Ghosh, Ex GDS MD, who was reportedly missing on and from 09.06.2006 while in service. A Title Suit 346/2018 was heard by the Civil Judge, Junior Division, 2<sup>nd</sup> Court, Diamond Harbor, and decided vide order dated 06.09.2019, declaring him to be dead for having gone missing for more than 7 years. Further, it was also declared that "Plaintiff no. 1 is the only son of said Gautam Ghosh and Plaintiff No. 2 is the only wife of said Gautam Ghosh". Thereafter, the applicants preferred incessant representations to the competent authorities for grant appointment on compassionate ground in favour of the son, with requisite documents. However, it yielded no response and till date no steps have been taken by the respondent authorities. Aggrieved, they have approached this Tribunal for justice.

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5. At hearing, ld. Counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the competent authority to consider his pending representations in a time bound manner.


6. Ld. counsel for the respondents does not have any objection if a direction is issued to the authorities to consider the representations, in accordance with law.


7. No adverse order is under challenge.

Hence, we dispose of the OA with a direction upon the competent authority to consider the representations in the light of the order passed in the Lower Court in Title Suit No. 346/2018, Dated 06.09.2019, declaring the employee dead, and dispose of the representation/s treating the employee as dead in terms of the order passed in the title suit, decide the claim of the applicants and issue a reasoned and speaking order in accordance with law within a period of 2 months from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

8. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration

9. The OA accordingly stands disposed of. No costs.

  
(Nandita Chatterjee)  
Member (A)

  
(Bidisha Banerjee)  
Member (J)