

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

(Through video conferencing)



O.A/350/893/2021
M.A/350/315/2021

Date of Order: 02.07.2021

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

1. Smt Bakul Barman
Wife of late Anil Chandra Barman
Aged about 53 years,
By profession House Wife.
 2. Shri Amitesh Barman
Son of late Anil Chandra Barman,
Aged about 31 years, unemployed youth and
Both are residing at Village Haripur
P.O.Madhupur, P.S. Pundibari, Dist.
Cooch Behar, Pin 736165, West Bengal.
-Applicants

-Versus-

1. Union of India service through the
Secretary, Ministry of Communication & IT,
Dak Bhawan, Sansad Marg,
New Delhi - 110001.
 2. The Chief Post Master General,
West Bengal Circle, Yogayog Bhavan,
56 C.R.Avenue, Kolkata-700012.
 3. The Assistant Director of Postal Services (Rectt.)
Office of the Chief Postmaster General,
West Bengal Circle, Kolkata-700012.
 4. The Superintendent of Post Offices,
Cooch Behar Division, Cooch Behar,
736101.
 5. Inspector of Post Offices,
Dinhata Sub Division,
Dinhata, Cooch Behar-736135.
-Respondents

For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, counsel
For The Respondent(s): None



ORDER (ORAL)

Per: Dr. Nandita Chatterjee, Administrative Member

Aggrieved with not having received an offer of compassionate appointment, the applicants have approached this Tribunal praying for the following relief:

(i) An order directing the respondents to offer the compassionate appointment to the applicant No.2 in relaxation of existing rules in the interest of justice.

(ii) An order directing the respondents to dispose of the several representations of the applicants made from time to time as per letter dated 01.06.2021.

(iii) An order directing the respondents to extend the benefits of the judgments and orders passed by the Hon'ble Tribunal to the applicants herein in the similar cases in favour of those applicants being O.A.No.587/2019 dated 12.06.2019, O.A.No.748/2018 dated 09.02.2021 and OA 658/2016 dated 07.02.2018.

(iv) An order directing the respondents to offer of appointment on compassionate ground on immediate basis.

(v) An order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice.

(vi) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard ld. Counsel for the applicants. Affidavit of service is taken on record. As none appears for the respondents despite such affidavit of service, 16 (1) of the CAT (Procedure) Rules, 1987 is invoked.

3. An M.A bearing no. 350/315/2021 has been preferred by the applicants praying for liberty to jointly prosecute this O.A on grounds of common interest and common cause of action. On being satisfied that the applicants share common grievance and there is a commonality of interest as well as cause of action, such liberty is allowed under Rule 4 (5) (a) of CAT (Procedure) Rules, 1987 subject to payment of individual court fees.

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4. Ld. Counsel for the applicant would submit that the husband of the applicant no. 1 and father of the applicant no. 2, was engaged with the respondent authorities as an EDMC on 06.12.1979. The ex-employee, however, died in harness on 13.03.2017. Immediately thereafter, the applicant no.1/widow, had prayed for compassionate appointment in favour of her son as at Annexure A-2 to the O.A. A No Objection was also issued by the younger son of the applicant no. 1, stating that he would not object to engagement of his elder brother on compassionate grounds (Annexure A-2 to the O.A collectively).



That, thereafter, the respondent authorities, vide their communication at Annexure A-7 to the O.A, had instructed the applicant to prefer his application in a prescribed format and to submit the same with requisite documents. The applicant no. 2, having complied with such directions, the office of the Assistant Director of Posts (North Bengal Region) had forwarded such documents on 15.07.2020 (at Annexure A-9 to the O.A) to the office of the Respondent no. 2. Applicant 2 followed up such reference vide his representation dated 15.09.2020 (at Annexure A-10 to the O.A), and, being aggrieved that he was not offered any compassionate appointment by the authorities, has approached this Tribunal praying for the aforementioned relief.

Ld. Counsel for the applicants would urge for a direction on the respondents to dispose of his representation praying for compassionate appointment, particularly, in the light of the circular dated 01.06.2021 at Annexure A-10 to the O.A, which states that compassionate appointment in case of GDS must be finalized within a period of two months from the death of GDS.

Ld. Counsel for the applicants would further refer to the orders of this Tribunal in O.A 587 of 2019 (at Annexure A-11 to the O.A), whereby

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authorities were directed to consider the application of the applicant therein for providing employment on compassionate ground in accordance with the existing norms and pass appropriate orders accordingly.

5. Hence, without entering into the merits of the matter, we hereby dispose of this O.A by directing the concerned competent respondent authority to consider the representation of the applicant no. 2 for providing employment on compassionate ground in accordance with the existing norms and to pass appropriate orders within a period of 3 months from the date of receipt of a copy of this order. The authorities shall convey their decision to the applicants in writing immediately thereafter.

6. With the above directions, the O.A stands disposed of. M.A also stands disposed of as per directions in para 3. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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