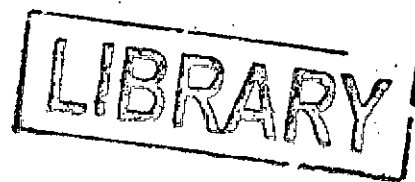


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/1108/2020
M.A/350/607/2020

Date of Order: 25.11.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

1. Jelekha Bibi, wife of Late Rahim Ali Miah, aged about 60 years, Ex-GDSMD Gitaldaha Branch Office, Cooch Behar Division, Residing at Vill. Nabani, P.O. Gitaldaha, P.S. Dinhata, Via Dinhata Dist. Cooch Behar, Pin 736135.
2. Rezaul Islam son of Late Rahim Ali Miah, aged about 30 years, unemployed, residing at Vill. Nabani, P.O. Gitaldaha II, P.S. Dinhata, Via Dinhata, Dist. Cooch Behar, Pin 736135.

--Applicants.

-versus-

1. Union of India, Service through the Secretary, Ministry of Communications & IT, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110016.
2. The Chief Postmaster General, West Bengal Circle Yogayog Bhawan, C.R. Avenue, Kolkata - 700012.
3. The Superintendent of Post Offices, Cooch Behar Division, Cooch Behar - 736101.
4. The Sub Divisional Inspector (P), Dinhata Sub Division, Cooch Behar, Dinhata - 736135.

.....Respondents.

For The Applicant(s): Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel
For The Respondent(s): Ms. S. Laskar, Counsel

ORDER (O R A L)

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

Heard ld. counsel for both sides.

2. M.A 607/2020 for joint prosecution is allowed on payment of individual court fees.

B



3. This O.A has been preferred to seek the following reliefs:

"8.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 10.08.2020 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 extend the benefits of the Judgement delivered by the Hon'ble Tribunal on 01.07.2020 to the applicants herein.

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 for the applicants for conscionable justice.

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



4. The applicants are the widow and son of the Ex-employee, Late Rahim Ali Miah, who died in harness while working under the GDSMD, Gitaldaha B.O. The widow and son applied for compassionate appointment in favour of the son, submitting all the requisite documents in a prescribed format. The applicants are aggrieved that inspite of accepting the documents and the prayer for compassionate appointment being forwarded to the competent authority, no further development has been communicated to him. Aggrieved of such, they have approached this Tribunal seeking the above mentioned reliefs.

5. At hearing, ld. counsel for the applicants would submit that he would be satisfied if a direction is issued to the competent authority to consider the representations dated 14.07.2020 followed by 10.08.2020 (Annexure A-9 collectively, to the O.A), in the light of the Department's letter dated 15.07.2020 (Annexure A-3 to the O.A), in a time bound manner.


B


6. We would note that no adverse order is under challenge and seeking identical relief, the applicants have already preferred a representations, supra, to the Respondent authorities which is yet to be disposed of. As no fruitful purpose would be served by calling for a reply in this matter, unless the representation is decided by the competent authority, we would dispose of the OA with a direction upon the competent authority to consider the representations dated 14.07.2020 followed by 10.08.2020 (Annexure A-9 collectively, to the O.A), in the light of the Department's letter dated 15.07.2020 (Annexure A-3 to the O.A), and decide the claim of the applicants with 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 applicants are found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.



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

8. This OA accordingly stands disposed of. No costs.


(Tarun Shridhar)
Member (A)


(Bidisha Banerjee)
Member (J)