

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/01568/2019

Date of order: 12.3.2021

M.A. 350/00919/2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Smt. Bharati Roy Pramanik,
Wife of late Arabinda Roy Pramanik,
Aged about 52 years,
By profession housewife.

2. Shri Dayal Roy Pramanik,
Son of late Arabinda Roy Pramanik,
Aged about 19 years,
By profession unemployed,

Both residing at Vill.- Barabangla,
P.O. Jatigara, P.S. Sitai,
Dist- Coochbehar,
Pin- 736167, West Bengal.

.....Applicants

-versus-

1. Union of India,
Service through the Secretary,
Ministry of Telecommunication and IT,
Govt. of India, Department of Post,
Dak Bhawan, Sansad Marg,
New Delhi- 110001.

2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
C.R Avenue,
Kolkata - 700012.

3. The Post Master General,

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North Bengal & Sikkim Region,
Siliguri, 734001.

4. The Assistant Director of Postal Services (Rectt.)
Office of the Chief Post Master General,
West Bengal Circle,
Kolkata- 700012.
5. The Superintendent of Post Offices,
Cooch Behar Division,
Cooch Behar- 736101.
6. The Postmaster,
Coochbehar H.O.,
Cooch Behar- 736101.

.....Respondents.

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

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, in second stage litigation, praying for the following relief:-

- "(i) An order directing the respondents to comply with the direction of the Hon'ble Tribunal in true letter and spirit.
- (ii) To direct the respondents authority to take immediate steps by offering job on compassionate ground to the applicant no. 2 taking into consideration the representation dated 2.2.2019 and 15.02.2019 and several others vis-à-vis the penurious condition of the family in compliance of Hon'ble Court direction.
- (iii) To direct the respondent authority to consider the case of the applicant no. 2 for compassionate appointment according to assurance made to the applicant's

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mother being applicant No. 1 since the widow have made several appeal to the said authority.

- (iv) An order directing the respondents to offer compassionate appointment in favour of applicant no. 2 on immediate basis specially on the scenario that there being NO family pension in favour of applicant no. 1 and no means of sustenance.
- (v) An order directing the respondents to assess the penury of the applicants on immediate basis vis-à-vis consider the case of applicant no. 2 for due compassionate appointment at the earliest, as per order dated 12.09.2019 of this Hon'ble Tribunal.
- (vi) An order directing the respondents to consider and dispose of the representations made by the applicants No. 1 & 2 for said compassionate appointment in favour of applicant no. 2 in a time bound manner or at all.
- (vii) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for concessionable justice with copies to the Ld. Advocate of the applicants for reference thereto.
- (viii) Any other order or orders further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard both Ld. Counsel, examined pleadings and documents on record.
3. An M.A. bearing No. 350/00919/2019 has been preferred by the applicants for joint prosecution of this Original Application. On being satisfied that the applicants share a common grievance, common interest and common cause of action, the M.A. is allowed, subject to payment of individual court fees.
4. Ld. Counsel for the applicant would submit that, after the untimely demise of the ex-employee on 21.11.2013 (Annexure A-1 to the O.A), his widow, who is the applicant No. 1, had prayed for compassionate appointment. Such prayer, however, did not result in any positive response from the respondent authorities, and, accordingly, when her son attained majority on 29.8.2018, the applicant No. 1, on behalf of the family, nominated her son, who is the applicant No. 2, to be appointed on compassionate grounds.

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As the matter was pending at the level of the respondent authorities, the applicant No. 1 approached this Tribunal in O.A. No. 350/01243/2019, and this Tribunal disposed of the matter by directing the respondent authorities as follows:-

"6. Since the representation of the applicant No. 1 is yet to be disposed of and no fruitful purpose would be served by calling for reply in the matter unless the competent authority considers the representation and decides it, I feel it appropriate in the interest of justice to dispose of this present O.A. at the admission stage itself with a direction upon the S.D.I.P, Dinhata Sub-Division or any other competent authority to look into the grievance of the applicants, consider the representations in accordance with law and to issue appropriate orders within a period of three months from the date of communication of this order. While doing so, the respondents shall keep in mind that the widow's prayer made in 2015 for herself should not stand in the way of such consideration in view of the fact there is nothing in the record to show that the widow was ever offered any employment assistant despite due recommendation as evident from Annexure A/4. The respondent shall enquire into the financial condition of the family and pass appropriate order. No costs."

That the respondent authorities, however, have been insisting that the applicant No. 1 submits the requisite documents, particularly, Annexure II, so as to complete the documentation towards the purpose of her compassionate appointment. The applicant had responded vide Annexure A-12 and A-13 to the O.A. articulating that, as she was not educationally qualified, she would withdraw her prayer for compassionate appointment and instead nominate her son, applicant No. 2, who had since attained majority, to be appointed on compassionate grounds. Her prayer not having been considered, the applicants have approached this Tribunal in the instant Original Application.

5. The respondent authorities would, however, reiterate both in their reply as well as their communication, that they are unable to process the prayer for compassionate appointment of applicant No. 1, in the absence of requisite documents and also that representations referred to by this Tribunal in O.A 350/1243/2019 have never been received by the authorities.

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6. In O.A. No. 350/01243/2019, the respondent authorities were directed to consider the prayer of the applicant No. 2 for compassionate appointment, with the observations that the widow's prayer in 2015 for herself should not stand in the way, as such prayer had not resulted in any offer of appointment.

7. Both Id. Counsel would agree that this O.A may be disposed of with appropriate directions on the respondent authorities.

Accordingly, without entering into the merits of the matter, this is to direct the competent respondent authority to consider the application of applicant No. 1 as closed, and, not to proceed any further with the said application for compassionate appointment in terms of the representations of the applicant at Annexure A-12 and A-13 to the O.A.

Once closed, the respondent authorities shall, thereafter, respond to the prayer of applicant No. 2 as annexed at Annexure A-5 collectively to the O.A., advise him of further documentation, if any, and, thereafter, process his prayer for compassionate appointment as per existing norms, issue appropriate orders within 4 months from the date of issue of this order and convey their decision to the applicant.

8. With these directions, the O.A. is disposed of.

M.A. No. 350/00919/2019 is also disposed of as per Para 3 above.

**(Dr. Nandita Chatterjee)
Administrative Member**

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