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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

ORIGINAL APPLICATION No. 715 of 1995

Cuttack this the 13th day of December, 1995

Smt. Kamalabala Behera ... Applicant(s)

Versus

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

*P. V. Venkateswaran*  
(P. V. VENKATESWARAN)

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 715 of 1994

Cuttack this the 13<sup>th</sup> day of December, 1995

C O R A M:

THE HONOURABLE MR. P.V. VENKATKRISHNAN, MEMBER (ADMINISTRATIVE)

...

Smt. Kamalabala Behera, aged about 36 years, wife of Late Nrusingha Charan Behera, at present working as Extra Departmental Branch Post Master, Bishnupurbindha Branch Post Office, Bishnupurbindha, Via: Arnopal, Dist: Bhadrak

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Applicant

By the Advocate: M/s. Deepak Mishra  
R.N. Naik,  
A. Deo,  
B.S. Tripathy  
P.K. Mishra

Versus

1. Union of India represented by its Secretary, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle, Bhubaneswar Dist: Khurda
3. Superintendent of Post Offices, Bhadrak Division, At/PO: Bhadrak, Dist: Bhadrak
4. Sub-Divisional Inspector (Postal) Bhadrak West Sub-Division, Bhadrak

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Respondents

By the Advocate: Mr. Ashok Mishra,  
Sr. Standing Counsel (Central)

...

OR D E R

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O R D E R

MR. P. V. VENKATKRISHNAN, MEMBER (ADMN.):

The applicant is the wife of late Nrusingha Charan Behera, who while working as Extra-Departmental Branch Post Master died on 1-4-1991 in harness. Thereafter, the applicant was appointed on ad-hoc basis as Extra Departmental Branch Postmaster in the same branch Post Office. Later on the Circle Relaxation Committee considered the case in 1994 and they have rejected by order in Annexure-A/4 dated 30.11.1994 for appointment of the applicant on compassionate ground.

2. Respondents state that the applicant did not have the qualification of Class-VIII passed which is the minimum qualification for consideration to the Post of Extra Departmental Branch Post Master. However, learned counsel for the Applicant stated that the applicant has possessed the qualification of Class-VIII passed.

3. Be that as it may, we find that the impugned order in Annexure-A/4 does not state any reasons for rejecting the case of the applicant. In order to consider the impugned order, Annexure-A/4, in judicial review, the Court must have the reasons

which prompted the Circle Relaxation Committee to reject the case of the applicant. Without stating such reasons, the order cannot be examined to see whether it is proper.

4. On the short ground that the impugned order, Annexure-4, is not a speaking order, it is quashed. The respondents will be free to re-consider the matter and examine the case of the applicant afresh, to see whether the applicant satisfies the requisite educational qualification. For this purpose, the applicant will furnish the documents to Respondent No. 3 to prove that she has passed 8th standard, within one month. The respondent no. 3, on receipt of such proof will refer the matter for fresh consideration by the Circle Relaxation Committee who shall consider the case of the applicant and pass a speaking order within three months.

5. The applicant will be permitted to continue in the present post of Extra Departmental Branch Postmaster for another period of three months or in case the applicant produces proof that she has passed 8th standard till the disposal of the case of the applicant by the Circle Relaxation Committee.

6. This order is passed after hearing learned counsel for the applicant Mr. B.S.Tripathy and learned Senior Standing Counsel (Central ) Mr. Ashok Mishra.

7. Thus, the original Application is partly allowed. No costs.

*G Venkatakrishnan*  
(P. V. VENKATAKRISHNAN)  
MEMBER (ADMINISTRATIVE)

KNMohanty.  
13.12.95.