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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.357 OF 1998  
Cuttack this the 25th day of August/2000

Labanga Dei ... Applicant (s)

-VERSUS-

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

(FOR INSTRUCTIONS)

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

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
25.8.2000

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 357 OF 1998  
Cuttack this the 25th day of August/2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

...

Labanga Dei,  
aged about 32 years  
W/o. Late Rajendra Naik  
At/PO: Kankada  
Via : Toromanga, PS: Baria  
Dist : Keonjhar

...

Applicant

By the Advocates

Mr. P.K. Mallick

-VERSUS-

1. Chief Post Master General  
Orissa Circle,  
Bhubaneswar - 751001
2. Post Master General,  
Sambalpur  
At/PO/Dist: Sambalpur
3. Superintendent of Post Offices,  
Keonjhar Division,  
Keonjhargarh  
At/PO/Dist : Keonjhar

...

Respondents

*SJM*  
By the Advocates

Mr. A.K. Bose,  
Sr. St. Counsel  
(Central)

...

MR .SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to Respondent Nos. 2 and 3 to immediately appoint her to the post of Extra Departmental Branch Post Master. Respondents have filed their counter opposing the prayer of the applicant. For the purpose of considering this Application it is not necessary to go into too many facts of this case.

2. We have heard Shri P.K.Mallick, learned counsel for the petitioner and Shri A.K.Bose, learned Sr.Standing Counsel appearing for the Respondents and also perused the records. The admitted position is that husband of the petitioner Shri Rajendra Naik was working as E.D.B.P.M., Kankada Branch Office and passed away while in service on 10.6.1997. The widow applied for compassionate appointment and her papers were processed and placed before the Circle Relaxation Committee. The Circle Relaxation Committee rejected her candidature for appointment to the post of E.D.B.P.M., because, the applicant has read upto Class - X and under D.G.Posts Circular dated 12.3.1993, the minimum educational qualification prescribed for the post of E.D.B.P.M. is Matriculation. It has also been mentioned in another circular of D.G.Posts, referred to by the Respondents in their counter that there is no provision for relaxation of educational qualification while giving compassionate appointment. In view of this applicant cannot be appointed as E.D.B.P.M. Respondents have stated that they offered the applicant a job of E.D.Stamp Vendor at Joda, but she did not join the post. It is submitted by the petitioner that because the place of posting is far away

*SJM.*

from her native place, she did not join the post. The instructions are very clear that from April/93, the minimum educational qualification for appointment to the post of E.D.B.P.M. is Matriculation. As the applicant in this case is not a Matriculate it is obvious that she could not have been appointed to the post of E.D.B.P.M. Respondents have, therefore, rightly rejected her prayer for giving her appointment in the post of E.D.B.P.M. In this view of the matter we hold that applicant's prayer in this Original Application for direction to respondents to give her appointment to the post of E.D.B.P.M. is without any merit and the same is, therefore, rejected.

3. Learned counsel for the petitioner has relied on the decision of this Tribunal in Original Application No.21/93 disposed of on 26.4.1993. We have gone through the records of this case and we find that this O.A. is not related to appointment on compassionate ground and this is a case wherein the applicant was appointed as E.D.M.C. against a put off duty vacancy and had to make way for the original incumbent on his reinstatement. Subsequently the original incumbent passed away and therefore, the applicant therein approached the Tribunal for being given a job. In view of this O.A.21/93 is altogether a different matter and not in any whatsoever is analogous to the present Original Application.

4. It is submitted by the learned counsel for the petitioner that as per his instruction the departmental authorities have offered the applicant a job of E.D.D.A. We make it clear that notwithstanding our above orders the departmental authorities will be free to appointment the applicant to another E.D. post for which she has necessary educational qualifications.

With the above observations Original Application  
is disposed of leaving the parties to bear their own costs.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
25.8.2000

B.K.SAHOO//