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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.224 OF 2006
CUTTACK, this the 14th day of November, 2007

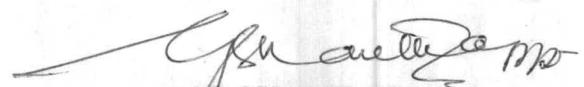
Badal Kumar Oram Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? - *Not*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? - *Not*


(G. SHANTAPPA)
MEMBER(JUDL.)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.224 OF 2006
(CUTTACK, this the 14th day of November,2007)

CORAM:

HON'BLE SHRI G.SHANTAPPA, MEMBER(JUDICIAL)

Badal Kumar Oram, aged about 31 years, S/O. Nandalal Oram, At-Gangutipali, P.O.-Dhankauda(, Via-Remed, Dist:Sambalpur.

.....Applicant

Advocates for the Applicant M/S. P.Chuli & J.K.Swain.

Versus:

1. Union of India represented through, Director General, Department of Post, Dak Bhawan, New Delhi-110001.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda.
3. Director of Postal Services, Sambalpur Region, Sambalpur-768001.
4. Superintendent of Post Offices, Sambalpur Division, Sambalpur-768001.

..... Respondents

Advocate for the Respondents Mr. S.B.Jena.

O.A.NO.224 OF 2006

ORDER DATED 14.11.07

I have heard the Ld.Counsel for the applicant and for the Respondents.

2. The above O.A. is filed under Section 19 of the AT Act,1985 seeking the following relief:

“(i) To quash the order of rejection passed by the C.R.C. dt.23.4.2003 under Annexure-10
(ii) To direct the Respondents to provide appointment to the applicant under compassionate ground.
(iii) Or pass any other order/orders as this Hon’ble Tribunal may think fit and proper.
(iv) And allow this Original Application with cost.”

3. The present O.A. is the offshoot of O.A.No.421/02. The said O.A. was disposed of on 13.01.03. As per the direction of this Tribunal, the Respondents have issued the order dated 23.04.03/08.07.03 (Annexure-A/10).

4. The brief facts of the case according to the applicant are that the father of the applicant died on 22.07.96 leaving behind the widow, 2 daughters and one son. After the death of the bread earner of the family, the family of the deceased was in indigent condition; for that the applicant submitted an application for appointment on compassionate ground. The same was rejected, that was challenged before this Tribunal in an earlier O.A.421/02. The



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impugned order in the present O.A. is that the request of the applicant has been rejected on the ground that it is not a case of indigence and there is no liability, as such it deserves no merit for consideration in preference to others. The Counsel for the applicant submits that the impugned order has not been passed as directed by this Tribunal in O.A.No.421/02. It is further submitted that the Respondents have not considered the case of the applicant in accordance with the scheme for compassionate appointment.

5. Per contra the Respondents have filed the reply statement rejecting the relief of the applicant on the ground that the Circle Relaxation Committee has considered the case of the applicant as directed by this Tribunal in the earlier O.A. and also in accordance with the scheme for compassionate appointment. The applicant has no case based on the judgement of the Hon'ble Apex Court. The main ground of attack of the Respondents is that the O.A. is barred by limitation. The impugned order was passed on 23.04.03 but the O.A. is filed in the year 2006. Hence the O.A. is not maintainable and the same is liable to be rejected. In the reply statement the respondents have referred the C.P.No.69/04 was filed by the applicant for non implementation of the order dated 13.1.03. The Respondents have supported their action under the impugned order.

6. It is further submitted that the case of the applicant can be considered under OM dated 5.5.03 since the applicant was considered once. The respondents have produced the original file relating to the selection for the year of 2004 i.e. CRC held on 14.1.04.

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7. After perusal of the pleadings, documents and submissions made by either sides, the Counsel for the Respondents submits that the impugned order which is challenged in the O.A. at Annexure-A/10 was served on the applicant in a contempt proceedings. The said contempt petition is still pending. The affidavit to the contempt petition was filed on 10.01.06. Subsequently the order which was served in the contempt proceedings is challenged in the present O.A. filed on 09.03.06. Considering the submission made by the Ld.Counsel from either sides, the impugned order was served on the applicant in the month of January,2006, the O.A. is filed in the month of March 2006, I am of the view that the application is not barred by limitation. The objection raised by the Respondents is rejected.

8. As directed by me, the respondents have produced the original file relating the CRC meeting held on 14.1.04 in which 5% of the direct recruitment vacancies were for PA-3, Gr.D-1 and Postman-1. For the post of Postal Assistant, the applicant is not qualified but for the post of Gr-D and postman he is qualified. For the post of postman one Shri Rajesh Kumar Behera and for the post of Gr-D one Shri Kedar Guru were selected and appointed. The Counsel for the Respondents submits that there are no vacancies for the year 2004. The Counsel for the applicant submits, a direction be given to the respondents to consider the case of the applicant under OM dated 05.05.2003.

9. As submitted by the Ld.Counsel for the Respondents that the case of the applicant can ~~not~~ be considered under the OM dated 05.05.03, the Counsel

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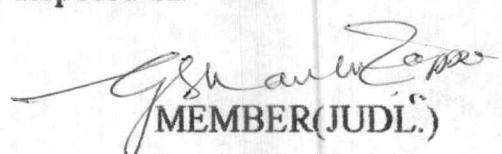
for the applicant is also submitted that since no vacancies are available in the year 2004, the applicant can be considered for the future vacancies to be occurred and as and when the Circle Relaxation Committee met. In this aspect it is relevant to extract the said OM dated 05.05.03 at para-2 & para-3:

“2. It has, therefore, been decided that if Compassionate Appointment to genuine and deserving cases, as per the guidelines contained in the above OMs is not possible in the first year due to non-availability of regular vacancy, the prescribed Committee may review such cases to evaluate the financial conditions of the family to arrive at a decision as to whether a particular case warrants extension by one more year, for consideration for Compassionate appointment by the Committee, subject to availability of a clear vacancy within the prescribed 5% quota. If on scrutiny by the Committee, a case is considered to be deserving, the name of such a person can be continued for consideration for one more year.

3. The maximum time a person's name can be kept under consideration for offering Compassionate Appointment will be three years, subject to the condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year, after three years, if compassionate appointment is not possible to be offered to the Applicant, his case will be finally closed, and will not be considered again.”

10. I considered the submission made by both sides. To meet the ends of justice, I direct the Respondents to consider the case of the applicant for appointment in a meeting to be held for in accordance with the scheme for appointment on compassionate ground and various OMs including OM dated 05.05.2003 issued by D.O.P & T.

11. With the above observation, the O.A. is disposed of.


G.S. Kanwar Kapoor
MEMBER(JUDL.)