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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No.547 of 2010
Cuttack, this the 21st day of August, 2014

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Bikash Chandra Panigrahi,
aged about 27 years,
S/o. Late Laxminarayan Panigrahi,
At/PO.Manpur, Via/P.S. Bheden,
District- Baragarh.

...Applicant
(Advocate: M/s. B.B. Mohanty, S. Prasad)

VERSUS
Union of India Represented through

1. Director General of Posts,
Dak Bhawan, New Delhi-110001
2. Chief Postmaster General, Odisha Circle,
Bhubaneswar,
Dist-Khurda.
3. Senior Superintendent of Post Offices,
Sambalpur Division,
At/Po/District-Sambalpur.
4. S.D.I. (P) Sambalpur West Sub-Division,
Sambalpur, At/PO/Dist-Sambalpur.

... Respondents
(Advocate: Mr. D.K. Mallick)

ORDER (Oral)

R.C. MISRA, MEMBER (A)

The applicant in the present O.A. has approached this Tribunal making a prayer that the Respondents may be directed to reconsider the case of the applicant for giving him an appointment on compassionate ground in the light of O.M. dated 05.05.2003 issued by the Department of Personnel and Training. He has made a further prayer that the order of rejection dated 24.06.2010 passed by the Respondents Authorities may also be quashed.



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2. The short facts of the case are that the father of the applicant who was GDSBPM of Manpur B.O. with Bheden Sub Office died on 23.07.2007 while he was in service. At the time of his death he was survived by his wife, two major sons and one married daughter, the applicant being the younger of the two sons. The widow of the deceased employee made an application on 13.09.2007 before the Superintendent of Post Offices, Sambalpur Division for consideration of the case of the present applicant under compassionate ground against the post of EDBPM of Manpur B.O. which fell vacant on account of the death of her husband. All the required documents in respect of the applicant were submitted and the consent of the mother as well as the elder brother was also given along with the application. However, vide order dated 24.06.2010 the Respondents rejected the claim of compassionate appointment in respect of the applicant. This order is placed at Annexure-A/7 and is under challenge in this Original Application.

3. The submission made by the applicant is that the order of rejection was issued on flimsy and improper grounds. In the rejection order, the authorities have mentioned that both sons are not dependents and there are no liabilities like marriage of daughter and education of minor children and therefore, the family is not in indigent condition. According to the submissions made by the applicant these views of the authorities are not supported by any specific fact and therefore, these are arbitrary.

4. The Respondents authorities have filed their counter affidavit in which the facts of the case have been narrated. However, with regard to

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the grievances raised by the applicant in respect of the impugned order, I do not find any detailed explanation to have been offered by the concerned authorities. It is only mentioned that it was the decision of the CRC based upon the parameters that were in force and the specific reasons for non-consideration of the case by the CRC have been communicated to the applicant.

5. On perusal of records, I find from the orders of the Tribunal dated 10.08.11 that the applicant had filed M.A. No.61/11 with a prayer to set-aside notification dated 25.07.2011 or to stay the operation of the said notification which was issued inviting applications for filling up of the post of GDSBPM of Manpur B.O. in account of Bheden Sub Office in which post the father of the applicant was working. The Tribunal after considering the M.A. passed an order that since the post in question is meant to be filled by reserved community and the applicant belongs to general community and because no one can claim to be appointed on compassionate ground against the post in which his father was working, the Tribunal gave an opportunity to the Respondents to file reply to the M.A. before the order could be passed. Although this order was passed on 10.08.2011, the matter was listed for hearing before the Single Bench on 31.07.2015. Because of this delay, the O.A. filed in the year, 2010 is still pending disposal in the year 2015. The Joint Registrar of this Bench is directed to cause an inquiry into the facts and circumstances of this unconscionable delay and take appropriate administrative measures so that such instances are not repeated.



6. Coming to the merit of this case, having heard the Ld. Counsel for both the sides, I have perused the records. The impugned order in this O.A. is placed at Annexure-A/7. This is a letter issued to the applicant by the Superintendent of Post Offices, Sambalpur Division. It is found that this is not a ~~delayed~~ ^{detailed} order and the reasons for rejection are not substantiated by any material facts. The following reasons are cited for rejection of the case:-

1. The family consists of widow-56 years and 2 sons - 32 and 26 years.
2. Both the sons are not dependent.
3. There are no liabilities like marriage of daughters and education of minor children.
4. Not in indigent condition.
Hence not approved".

7. However, when the compassionate appointment case is ^{stated to be} ~~not~~ considered carefully, as stated in the letter, there is ^{no} ~~every~~ reason why the details of the consideration are not noted. The order is more credible, when the details containing the relevant facts, ^{that} ~~were~~ considered by the authorities and the conclusions arrived at by the authorities thereon are clearly stated in the order. These details alone indicate the application of mind of the authorities. Summary rejection indicates lackadaisical approach to disposal of a prayer or representation, ^{and} ~~but~~ an abruptly worded communication, shorn of detailed facts of consideration betrays an iniquitous manner of disposal.

8. In view of the above, the matter needs to be reconsidered by the concerned authorities once again in the CRC. It is directed that the CRC may take into account the detailed facts of the representation for compassionate appointment, evaluate them in the light of the Rules that are applicable and



after giving the matter detailed consideration the decision in this regard may be communicated to the applicant with a reasoned and speaking order. In consideration of the facts^l that this matter has already been too much delayed, this may be disposed of by the authorities on the lines indicated above within a period of three months of receiving of the copy of the order.

9. Accordingly, the O.A. is disposed of. No order as to costs.



(R.C. MISRA)
MEMBER(A)