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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00126 of 2015
Cuttack, this the 18th day of March, 2015

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

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Himanshu Sekhar Patra,
aged about 39 years,
S/o Late Siba Charan Patra,
Ex-Postal Assistant
(Hatigarh Sub Office under Jaleswar Head quarter)
Resident of Vill: Darkholi, PO- Hatigarh,
PS- Raibania, Dist-Balasore-756033.

...Applicant

(Advocates: Mr. D.K.Mohanty)

VERSUS

Union of India Represented through

1. Director General of Posts,
Ministry of Telecommunications,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001.
2. Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda, PIN-751001.
3. Sr. Superintendent of Post Offices,
Balasore Division,
Balasore, Odisha.

... Respondents

(Advocate: Mr. S.Behera)

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OR D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents for considering his case for appointment on compassionate ground after the death of his father, who died prematurely on 18.05.2005 while working as Postal Assistant in Hatigarh Sub-office, Jaleswar. The applicant in the instant O.A. has challenged the order of rejection dated 12.02.2014 also.

2. Heard Mr. D.K.Mohanty, Learned Counsel for the Applicant, and Mr. S.Behera, Ld. Sr. Central Govt. Panel Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.
3. Mr. Mohanty submitted that this is the second round of litigation. The applicant had approached this Tribunal earlier by filing O.A. No. 60/12 praying for appointment under compassionate quota and the said O.A. was disposed of on 21.11.2012 with the following observations:

“Law is well settled in a plethora of judicial pronouncement that the order of rejection must disclose the detailed reasons in support of the grounds taken in the order of rejection. Order dated 19.05.2011 speaks that the case of the applicant was rejected on the grounds of non-availability of vacancy and that the applicant was not found more indigent in comparison to the others. No details about the vacancies, number of candidates considered and how the authorities reached to the conclusion that the applicant was not more indigent in comparison to the others have bee furnished. However, it has been stated by the Respondents that the applicant was not found more indigent in comparison to others out of the vacancies against which the case of the applicant along with others was considered. This means that the applicant was indigent however he could not be provided appointment due to the want of vacancies. Be that as it may, as per the Circular No. 14014/19/2002-Estt.(D) dated 05.05.2003, the case of the applicant ought to have been considered three times but it is seen that his case has received only one consideration. In view of the discussions made above, Respondents are directed

[Signature]

to consider the applicant twice more and communicate the decision in well reasoned order to the applicant.”

4. Mr. Mohanty brought to our notice the order of rejection dated 12.02.2014 which runs as follows:

“In obedience to the direction of the Hon’ble CAT, the compassionate appointment case of Sri Himansu Sekhar Patra was put up before the CRC held on 28.01.2014 along with other 40 cases like him for consideration.

As per para 13 of FAQ contained in DOP&T No. 14014/02/2012-Estt.(D dated 30.05.2013 “A married son is not considered dependent on a Government Servant.” Even though the CRC considered the case but could not approve as the applicant Sri Himansu Sekhar Patra is married and is not eligible for compassionate appointment.”

5. We find that this order is not in conformity with the direction given by this Tribunal in O.A. No. 60/12 dated 21.11.2012. Accordingly, while quashing the order dated 12.02.2014, we remand the matter back to Respondent No.2 to consider the case of applicant as per the rules and communicate the result thereof to the applicant keeping in mind the observations made in O.A. No. 60/12 disposed of on 21.11.2012.

6. With the aforesaid observation and direction this O.A. stands disposed of at the stage of admission.

7. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2 and 3 by Speed Post for which he undertakes to file the postal requisites by 23.03.2015.

8. Free copy of this order be made over to Mr. Behera by tomorrow.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)