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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O. A. No. 260/00523 OF 2016
Cuttack, this the 8th day of August, 2016

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

Smt. Anita Mohanta, aged about 37 years, W/o. Late Ambika Prasad Mohanta, At-Rasamtala, PO./PS-Karanjia, Dist-Mayurbhanj.

...Applicant

By the Advocate-M/s. P.R. J. Dash)
-VERSUS-

Union of India Represented through

1. Secretary-Cum-Director General of Posts, Dak Bhawan, New Delhi-110016.
2. Chief Post Master General, Odisha Circle, At/Po.- Bhubaneswar, Dist-Khurda-751001.
3. Superintendent of Post Offices, Mayurbhanj Division, At/PO.- Baripada, Dist-Mayurbhanj-757001

...Respondents

By the Advocate-P.K. Mohanty

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. P.R.J. Dash, Ld. Counsel appearing for the applicant and Mr. P.K. Mohanty, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This O.A. has been filed by the wife of the deceased Govt. employee who expired while working as GDS BPM of Rasmtala B.O. in account with Karanjia S.O. on 24.11.2010 leaving behind the applicant, 80 years old widow mother, 37 years old wife (applicant) and 13 years old minor daughter and 10 years old minor son. The applicant being the wife of the deceased Govt. employee made an application for appointment under compassionate appointment quota. But her case has been rejected by Respondent No.3 vide order dated 13.11.2015 (Annexure-A/4) on the ground of less educational qualification, i. e. below Class-X pass. Mr. Dash by drawing our attention to the Service Rules for "Swamy's -Postal Gramin Dak Sevak Manual" regarding the method of compassionate appointment cases in



respect of dependents under Rule 3 of Section-2 of sub section (2) which reads as follows:

“(2). The ED posts are isolated and well spread out. It is, therefore, necessary that a vacancy caused due to the death of an ED Agent is filled up by appointing one of his/her dependents/near relatives on compassionate grounds. If it is not done, it would be quite difficult to give compassionate appointments in hard cases. In this context, a question has arisen whether the educational qualification prescribed for appointment as EDBPM/EDSPMs, that is, Matriculation and equivalent may be relaxed by the Circle Relaxation Committee to 8th standard which was the minimum educational qualification prescribed for the purpose prior to provision with effect from 01.04.1993.”

Mr. Dash submitted that in view of the above rules, the educational qualification of the applicant being Class-IX pass, she was eligible to be considered for the ED posts on compassionate ground whereas her case has been rejected by Respondent No.3. Mr. Dash further submitted that after the rejection of the application of the applicant for appointment under compassionate appointment quota by Respondent No.3, again she has submitted another representation dated 02.02.2016 (Annexure-A/5) addressed to the Chief Post Master General, Odisha Circle, At/Po.- Bhubaneswar, (Respondent No.2) but till date no communication has been made to her for which she has moved this Tribunal in this present O.A. with a prayer for a direction to the Respondents to quash Annexure-A/4 and direct the Respondents to provide compassionate appointment in any GDS Post to the applicant.

3. We have considered the rival submission. In our considered view, the educational qualification of the applicant being Class-IX pass, she could not have been eliminated from the point of consideration that she does not possess the required educational qualification. In this regard, clarification dated 12.03.1993 issued by the Department of Posts in “Swamy’s -Postal Gramin Dak Sevak ” speaks that the educational qualification prescribed for appointment as EDBPM/EDSPMs, that is, Matriculation and equivalent may be relaxed by the Circle Relaxation Committee to 8th standard which was the

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minimum educational qualification prescribed for the purpose prior to provision with effect from 01.04.1993.

4. Be that as it may, since a representation submitted by the applicant is stated to be pending with Respondent No.2, we do not think it proper to admit this matter inviting counter. We therefore, dispose of this O.A with a direction to Respondent No.2 to consider the representation of the applicant vide Annexure-A/5 if the same is still pending before him, keeping in mind the observations made above as well as the provisions made in the Service Rules for "Swamy's -Postal Gramin Dak Sevak" regarding the method of compassionate appointment cases in respect of dependents and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of one months from the date of receipt of a copy of this order. Though we have not expressed any opinion on the merit of the matter, all the points raised in representation are kept open for the authorities to consider as per Rules. We hope and trust, if, after such consideration it is found that the applicant is entitled to the relief claimed by her then the same should be extended to her within a further period of 06 (six) months from such consideration. However, it is made clear that if in the meantime, the said representations have already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. P.R.J. Dash, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 &3 by Speed Post for which he undertakes to file the postal requisites by 11.08.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)