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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 256 OF 2012
CUTTACK, THIS THE 22nd DAY OF NOVEMBER, 2012

CORAM :

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

G.C. Tripathy,
Aged about 37 years,
S/o. Late L.K. Tripathy (Ex-Postal Assistant, Karanjia MDG),
Resident of Karnjia,Ward No.8, Po-Karanjia,
P.S.-Karanjia, Dist-Mayurbhanj, Odisha.

.....Applicant

(Advocate(s) for the Applicants: M/s- K.C.Kanungo, R.S. Pattnaik, C.Padhi, R.C.Behera)

VERSUS

Union of India represented through

1. The Secretary,
   Communication-cum-D.G.Posts,
   Dak Bhawan, New Delhi-1.

2. Chief Post Master General,
   Orissa Circle, Bhubaneswar,
   New Capital-751001
   Dist-Khurda, Odisha.

3. The Superintendent of Post Offices,
   Mayurbhanj Division, Baripada,
   Dist-Mayurbhan, Odisha.

..... Respondents

(Advocate.....Mr. B.K. Mohapatra)

O R D E R (ORAL)

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

The applicant, G.C. Tripathy, S/o. Late L.K. Tripathy, has filed this O.A. challenging the order of rejection communicated in letter dated 01.12.2009 under Annexure-A/5 with prayer to quash the said order and to direct the Respondents to reconsider his case for appointment on compassionate ground in any post in Group 'C' or any cadre under the Respondents Department.

2. It is seen from the letter dated 01.12.2009 under Annexure-A/5 that the case of the applicant was duly considered by the CRC but the same was rejected on the ground of non-availability of vacancy and that the case of the applicant was not indigent in comparison to others whose cases were considered along with the case of the applicant.

3. Respondents have filed their counter in which it has been stated that the case of the applicant was duly considered by the CRC on 01.12.2009 but the same was rejected due to want of vacancy and he was not found more indigent in comparison to the candidates. Hence, it has been stated by the Respondents that the case deserves no merit and is liable to be dismissed.

4. Applicant filed rejoinder in which it has been stated that the finding that the applicant is not more indigent in comparison to the others is factually incorrect. The Respondents have intentionally and deliberately did not furnish the particulars of the candidates in whose favour recommendations were made by the Respondents either in the counter or in the order of rejection itself. Further, it has been stated that as per the DOPT O.M.No. 14014/19/2002-Estt.(D) dated 05.05.2003, the case of the applicant ought to have received consideration three times and keeping silence after giving one consideration amounts to arbitrary exercise of power. Hence, he has reiterated the relief claimed in the O.A.

5. Points raised in the respective pleadings were highlighted by the Ld. Counsel appearing for the respective parties in support of their claims.

6. I have considered the rival submissions of the parties and perused the records. 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 01.12.2009 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 the conclusion that the applicant was not more indigent in comparison to the others have been 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 to consider the applicant twice more and communicate the decision in well reasoned order to the applicant.

7. With the aforesaid orders and directions, the O.A. stands allowed to the extent indicated above.

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

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