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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.94 OF 2012
Cuttack the 19 day of March, 2013

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

Soumya Ranjan Moses,
aged about 26 years,
S/o. Late Danial Moses,
Resident of Village-Similipara,
Po/P.S/Dist-Angul,
Odisha-759122.

...Applicant
(Advocate: P.K. Padhi)

VERSUS

Union of India Represented through

1. The Secretary cum Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle, At/Po-Bhubaneswar,
Dist-Khurda-751001.
2. Superintendent of Post Offices,
Dhenkanal Division,
At/PO/Dist-Dhenkanal-759001

... Respondents
(Advocate: Mr. M.K. Das)

ORDER

A.K. PATNAIK, MEMBER (J):

This Original Applicant has been filed by the applicant with a prayer to direct the Respondents particularly to Respondent No.1 to examine the case of the applicant afresh, judiciously, taking into

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consideration the facts and circumstances of the case and provide compassionate appointment to the applicant.

2. The short facts of the case are that the applicant is the son of a deceased employee Daniel Moses, who while working as Sub Postmaster of Goadiapatna Sub Post Office in Dhenkanal Postal Division expired on 21.09.1999, leaving behind his old ailing mother, widow, one daughter(married) and the present Applicant. It is the case of the applicant that his father was the only earning member of his family and after his death by making an application, he sought appointment on compassionate ground. As his case was not considered, he had approached this Tribunal in O.A. No.619/2009 seeking direction to the Respondents to consider his case for providing appointment on compassionate ground. This Tribunal vide order dated 23.08.2010 in O.A. No.619/09 directed the Respondents to consider the case of the applicant two more times as per the instructions contained in DOP&T OM No.14014/19/2002-Estt(D) dated 05.05.2003.

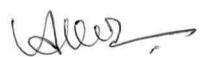
3. In compliance of the directions of this Tribunal, the Respondents Department vide order dated 28.10.2011 (Annexure-A/9) reconsidered the case of the applicant on two more occasions, but the the CRC rejected his case due to less indigent condition of the family of the deceased than the othr more deserving cases. However, the case was considered for the third time by the CRC in its meeting held on

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25.04.2011 which recommended compassionate appointment to the applicant against the post of Postal Assistant. Since the case was more than 05 years old, it was referred to Directorate for approval. However, after due consideration the Directorate did not approve the case for compassionate appointment of the applicant. Hence this Original Application has been filed by the applicant with the aforesaid prayer.

4. Respondents filed their counter stating that the father of the applicant expired prematurely on 21.09.1999 leaving behind his widow, minor children and old mother. After attaining the majority his son applied for appointment on compassionate ground. His case was considered by the CRC met on 10/11.03.2005 which did not recommend for compassionate appointment by the reason that the family was not indigent in comparison to the recommended candidates as well as due to want of vacancy. Being aggrieved, the applicant filed O.A. No.619/09 before this Tribunal which was disposed of vide order dated 23.08.2010 with direction to the department to reconsider his case two more times as per the instructions contained in DOP&T dated 05.05.2003 within a period of three months.

5. In compliance of direction of this Tribunal dated 23.08.2010 passed in O.A. No.619/09 the Respondents-Department considered the case of the applicant second time in the CRC meeting held on 24.11.2010 and rejected the same due to less indigent condition of the family of the deceased than the other more deserving cases. The case was



finally considered by the Respondents for the third time by the CRC in its meeting held on 25.04.2011 which recommended compassionate appointment to the applicant for the post of Postal Assistant. Since the case was more than five years old, it was referred to Postal Directorate, New Delhi for approval. The Postal Directorate, after due consideration, did not approve the case of the applicant for compassionate appointment as the family of the deceased employee was not considered to be indigent condition vide order No.24-232/2011-SPB-I/C dated 28.10.2011 (Annexure-A/9) to the O.A. with the following reasons:-

- “(a)Sh. Daniel Moses, who was working as Sub Postmaster in Gondiapatna SO, Dhenkanal Division of Orissa Ciircle, expired on 21.09.1999.
- (b)It is now 12 years since the death of the ex-official.
- (c)The family is getting monthly pension of Rs.2,625/-+DR.
- (d)The family has its own house to live in.
- (e)Daughter of the deceased official did not apply for compassionate appointment though she is elder than the applicant (Son).
- (f)The applicant (Sh. Soumya Ranjan Moses son of Ex-official) is 26 years old now. Since he is major enough he would be having his own source of income at this juncture.
- (g)There are no social liabilities of education of minor children and marriage of unmarried daughter(s).
- (h)The pressing issue of immediate relieve does not apply in the case.
- (i) If the family has been able to sustain itself for all these years, it would mean that some means of livelihood is available to them.”



6. In the rejoinder which reiterating the facts as in the O.A.; it has been submitted that delay in considering the case cannot be attributable to the applicant, after submission of his application and that it is due to delay & latches on the part of Respondents as the case of the applicant was considered at a belated stage.

7. Further it has been submitted that when the CRC being the competent authority to take a decision in this matter it is only imperative on the part of the Department to act accordingly to the recommendation. On the othr hand, Ld. Counsel for the Respondents while refuted the above submission stated that the Postal Directorate is not divested with the powers to re-asses the recommendation made by the CRC and therefore, the order at Annexure-A/9 is justified.

8. Heard the Ld. Counsel appearing for both the sides and perused the materials placed on record.

9. I have considered the rival submission. It is not the case of the Respondents that the CRC, while recommending the name of the applicant for Postal Assistant on compassionate ground was not competent to relax the time spent in between the death of the Postal Employee and the meeting of CRC, which necessitated the matter to be referred to the Postal Directorate for relaxation of delay occurred. It is also not the case of the Respondents that the Postal Directorate is empowered to modify, alter or reject in toto the recommendation made by the CRC. In the

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circumstances, the action of the Postal Directorate in not approving the recommendation of the CRC in my considered view, is out of place. Accordingly, Annexure-A/9 is quashed with direction to Respondents to act in accordance with the recommendation of the CRC and take action within a period of 60 days from the date of receipt of copy of this order.

10. With the above observation and direction this O.A. is allowed. No costs.


(A.K. PATNAIK)
MEMBER (J)