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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.1064 OF 2012

Cuttack the 13th day of February, 2013

CORAM

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

1. Geetarani Barik,
aged about 48 years, W/o. Late Krushna Chandra barik.
2. Manoj Kumar Barik,
aged about 31 years, S/o. Late Krushna Chandra barik,
Both are residents of Bakharabad,
P.O.-Chandnichowk, P.S-Purighat,
Dist-Cuttack.

(Advocate: Mr. S. Patra-1)

...Applicants

VERSUS

Union of India Represented through

1. Director General Department of Posts,
Dak Bhawan,
New Delhi-1100001.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist-Khurda.
3. Director of Postal Services (H.G.),
O/O- Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda
4. Senior Superintendent of Post Offices,
Cuttack City Division,
Cantonment Road,
Cuttack-1.

(Advocate: Mr. S. Barik)

... Respondents

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ORDER(Oral)

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

This Original Application has been filed by the wife and son of an employee of Postal Department who died on 19.12.2009. The applicants prayed in this Original Application for the following relief:-

- “a) The Original application be allowed.
- b) The orders dated 23.12.2011 and 10.10.2012 under Annexures-A/4 and A/7 be quashed.
- c) The Respondents be directed to approve the case of the applicant No.2 to give appointment under compassionate basis.
- d) Any other order(s) may be passed giving complete relief to the applicants in the interest of justice and equity.”

2. The father of applicant No.2, Late Krushna Chandra Barik, while working as GDS LB Peon passed away on 19.12.2009. Thereafter, applicant No.2 had filed an application along with all required documents for his appointment under Rehabilitation Assistance Scheme. However, as per order dated 23.12.2011 (Annexure-4) the applicant's case has been rejected on the ground that the case scored less than 50 points in view of the instructions contained in the Directorate letter No.17-17/2010-GDS dt.01.08.2011. Thereafter, Respondent No.4 vide letter dated 25.04.2012 (Annexure-A/5) informed applicant No.1 that the compassionate appointment case of her son (applicant No.2) was rejected on the ground that the case scored less than 50 points, however, since you will get 15 additional points as grace points as per the revised instruction contained in CPMG Odisha Circle letter dated 23.04.2012, you may submit your representation with declaration that you are willing to work in any GDS Post. Accordingly,

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W.A. Barik

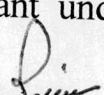
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applicant No.1 had filed an application along with all required documents for her appointment under Rehabilitation Assistance Scheme. However, as per order dated 10.10.2012 (Annerure-7) the applicant's case has also been rejected on the ground that the case scored only 50 points merit points against hundred points scale hence this O.A. has been filed with the prayers as aforesaid.

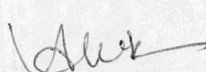
3. Heard Mr. S. Patra-1, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Additional Central Government Standing Counsel for the Respondents and perused the records produced before us.

4. Having heard Ld. Counsel for the parties, we are of the view that the case of the applicant has been considered for two times and as per the DOP&T Circular No. 14014/19/2002-Estt (D), dated 05.05.2003, case for appointment on compassionate ground can be considered for three times. In view of this, we direct Respondent No.2 to consider the case for the applicant for third time and pass a reasoned and speaking order within two months from the date of receipt of a copy of this order under intimation to the applicant.

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

6. Copy of this order alongwith paper books be sent to Respondent No.2 at the cost of the applicant. Sri S. Patra-1, Ld. Counsel for the applicant undertakes to file postal requisites by 14.02.2013.


(R.C. MISRA)
MEMBER(A)


(A.K. PATNAIK)
MEMBER(J)