

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 168 OF 2013
Cuttack, this the 11th day of April, 2013

CORAM

**HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

.....

1. Akhtari Bibi,
W/o Sk. Sanaullah,
P.O. Chaninagal, Dist. Jajpur.
2. Sk. Oliullah,
aged about 28 years,
S/o. Sk. Sanaullah,
P.O. Chaninagal, Dist. Jajpur
Pin- 754292.

...Applicant

(Advocate(s) : Ms. C. Padhi, M/s. D. Mohanty, S. Tripathy)

VERSUS

Union of India Represented through

1. Director General of Posts,
Department of Posts, Govt. of India,
Dak Bhawan,
Sansad Marg,
New Delhi.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar,
3. Senior Superintendent of Post Offices,
RMS "N" Division,
Cuttack-753001.
4. SRO, RMS 'N' Division,
Jajpur Road, Jajpur.

... Respondents

(Advocate: Mr. D.K.Behera)



ORDER

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

Heard Ms. C.Padhi, Ld. Counsel for the applicants, and Mr. D.K.Behera, Ld. Addl. Central Govt. Standing Counsel representing the Respondents, on whom a copy of this O.A. has already been served.

2. M.A. 247/13 filed for joint prosecution of this case is allowed and, accordingly, disposed of.

3. The applicants have filed this O.A. challenging the orders of rejection of their claim for appointing applicant No.2 on compassionate ground. Accordingly, a prayer has been made to quash the orders of rejection dated 09.11.2011 and 22.01.2013 Annexure-A/4 and A/7 respectively as well as with further prayer for direction to Respondents to provide employment on compassionate ground to applicant No.2.

4. Ms. Padhi submitted that the applicant No.2 has already passed Standard IX examination and as per GDS Rules he can be appointed in any GDS post. By drawing our attention to the order of rejection under Annexure-A/4 as well as Annexure-A/7, she submitted that the applicant's case has been considered only for MTS for which the applicant has admittedly no requisite qualification. However, by drawing our attention to the representation made by the applicant to CPMG-cum Chairman of the CRC (Respondent No.2), Ms. Padhi submitted that the



representation has been made by the applicant on 03.11.2012 whereas none of the grounds made in the representation has been considered under rejection order, Annexure-A/7. Therefore, order of rejection cannot be considered to a result of the representation made under Annexure-A/6 and this can be construed as non-consideration of the representation.

5. We are in agreement with the contention made by Ms. Padhi. Accordingly, while quashing the order of rejection under Annexure-A/7 passed by the Sr. Superintendent, RMS 'N' Division, Cuttack, (Respondent No.3) vide rejection order No. B17-41/Sk. Sannaulla dated 22.01.2013, we remand the matter back to Respondent No. 2, i.e. Chief Post Master General, Orissa Circle, Bhubaneswar to consider the representation made under Annexure-A/6 and pass a reasoned and speaking order and communicate the same to the applicant within two months from the date of receipt of copy of this order. Though we do not express any opinion on the merit of this case, still then we hope and trust that Respondent No.2 will do justice with the applicant's grievance by taking into consideration the rules and regulations so far as appointment to GDS post is concerned and take into account the educational qualification of the applicant and availability of posts under GDS quota.

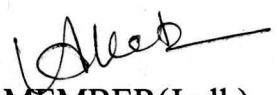
6. Copy of this order, along with paper book, be sent to Respondent No.2 and 3 at the cost of the applicants for which Ms. Padhi,



Ld. Counsel for the applicant, undertakes to deposit the postal requisites by 15.04.2013.

7. With the above observation and direction, the O.A. stands disposed of.


MEMBER (Admn.)


MEMBER (Judl.)

RK