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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 216 of 2013
Cuttack, this the 24th day of July, 2015

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

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Balakeswar Patra,
aged about 26 years,
S/o. Late Lalit Mohan Patra,
At/PO- Lethingia, Via- K Nuagaon,
Dist- Kandhamal- 762102.

...Applicant

(Advocates: M/s. P.K.Padhi, M.P.J.Ray)

VERSUS

Union of India Represented through

1. 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, 761001.
3. Superintendent of Post Offices,
Phulbani Division, At/Po- Phulbani,
Dist- Kandhamal, Odisha- 762001.

...Respondents

(Advocate: Ms. S.Mohapatra)

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ORDER

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

Heard Mr. M.P.J.Ray, Ld. Counsel for the Applicant, and
Ms. S.Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing
for the Respondents, on whom a copy of this O.A. has already been
served, and perused the materials placed on record.

A.K. Patnaik

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

“....to quash Annexure-A/5 and direct the Respondents to reconsider the case of the applicant for providing compassionate appointment in any GDS post, after taking into consideration the liability regarding married deserted sister and widow mother.

And any other order.....”

3. The case of the applicant, in nutshell, is that his father while working as GDS BPM of Lethingia Branch Post Office under K. Nuagaon S.O. expired on 24.06.2010 leaving behind the applicant, his two brothers and two married sisters, out of which one is widow and depending upon the applicant, and his mother, the widow. The applicant submitted that he is class -IX pass and is eligible for any GDS post except the BPM. He submitted that since his father was the only bread earner of the family and there being neither other source of income nor the family is entitled to pension, the applicant approached the authorities for providing compassionate appointment in his favour. However, the same was rejected by the CRC meeting held on 22.03.2012, which was communicated to him by Respondent No.2 on 11.04.2012. The applicant filed O.A. No. 515/12 before this Tribunal seeking compassionate appointment, which was disposed of on 17.07.2012 directing Respondents to further consider the case of the applicant for compassionate appointment in the ensuing CRC meeting. Accordingly, his case was reconsidered by the CRC and the following orders were communicated vide order dated 02.11.2012 (Annexure-A/5):



In accordance with the direction of the Hon'ble CAT, Cuttack Bench, Cuttack, the compassionate case of Sri Balunkeswar Patra was put up for consideration again before the CRC, which met on 26.09.2012 and 01.10.2012. The CRC found that the applicant scored 32 merit points only on 100 point scale based on the revised yardsticks of merit points vide Postal Directorate letter No. 17-17/2010-GDS dated 09.03.2012. Since the applicant's score in this CRC meeting was also less than 50 merit points, the CRC could not approve his case for engagement on compassionate ground as per the instruction contained in directorate letter No. 17-17/2010-GDS dated 13.04.2012 according to which "hard and deserving cases" would mean cases over and above 50 merit points.

4. Applicant has challenged the aforesaid order in this present O.A. The main thrust of challenge in this O.A., as submitted by the applicant, is that even though there is no regular source of income and they are maintaining themselves by daily labour, the Tehsildar, K. Nuagaon issued annual Income of Rs. 12000/-, 13000/- and 14000/- respectively in the name of each member of the Family without any application of mind. Since there is no provision of pension for a GDS employee, the family is under acute misery and distress.

5. Respondents have filed their counter opposing the prayer made by the applicant in this O.A. It has been submitted that the Department of Posts vide Memo No. 17-17/2010-GDS, dated 14.12.2010 has worked out a system of allocation of points to various attributes based on 100 point scale and if a family gets 50 or more merit points then his case is considered as hard and deserving as per the instructions contained in Postal Directorate letter No. 17-17/2010-GDS, dated 01.08.2011. Applicant's case was considered first by the CRC, which



met on 16/17.03.2012, and again after the orders of this Tribunal in O.A. No. 515/12, which was communicated on 02.11.2012. But, on both the occasions, his case scored less than 50 merit points, i.e. 22 and 32 merit points respectively, and, accordingly, the same was rejected for providing compassionate appointment.

6. Ld. Counsel for the applicant submitted that the applicant's case has been considered twice only and as per the DoP&T O.M. dated 05.05.2003, his case deserves one more consideration.

7. After hearing Ld. Counsels for both the sides and going through the pleadings, I am of the considered opinion that admittedly the case of the applicant has been considered twice and it should have been considered for one more time as per the DoP&T O.M. dated 05.05.2003. Accordingly, I dispose of this O.A. with direction to the Respondents to consider the applicant's case in the next CRC.


(A.K.PATNAIK)
MEMBER(Judl.)

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