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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.460 of 2013

Cuttack this the 18th day of July, 2013

CORAM:

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

1. Smt.Manju Dei, aged about 49 years, W/o. late Jubaraj Bhoi, At-Sisua, PO-Bentkar, Dist-Cuttack-754112
2. Purnachandra Bhoi, aged about 29 years
3. Dibakar Bhoi, aged about 25 years

Both are the sons late Jubaraj Bhoi

...Applicants

By the Advocate(s) Mr.P.K.Padhi

-VERSUS-

Union of India represented through

1. The Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 116
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751 001
3. Sr.Superintendent of Post Offices, Cuttack City Division, At-P.K.Parija Marg, PO-Cuttack GOP, Dist-Cuttack-751 001

...Respondents

By the Advocate(s) – Ms.S.Mohapatra

ORDER(Oral)

HON'BLE SHRI A.K.PATNAIK, MEMBER(J):

Heard Sri P.K. Padhi, Learned Counsel for the applicant and Ms. S. Mohapatra, Learned Additional Central Government Counsel appearing for the Respondents and perused the materials on record.

Allee

2. In this Original Application applicants have prayed for the following relief:

“... To quash Annexure-A/3 & A/4 and direct the Respondents to reconsider the case of applicant No.2 for providing compassionate appointment in any GDS post, after taking into consideration the liability.”

3. It is the case of the applicants that after the death of the father of applicant No.2 he applied for providing compassionate appointment but the same was rejected by the Circle Relaxation Committee vide letter dated 10.10.2012 (Annexure-A/3) on the ground that the applicant scored only 40 merit points against 100 points scale. While the matter stood thus, again the Respondents vide communication dated 19.03.2013 (Annexure-A/4) communicated to applicant No.1 that her request for compassionate appointment in favour of applicant No.2 had been considered by the competent authority but was rejected on the ground that applicant No.2 only scored 40 point merit in 100 point scale based on various indigency attributes as prescribed by the Department whereas to be appointed as GDS on compassionate grounds minimum 50 points are required. Aggrieved with the above communications the applicants have approached this Tribunal seeking relief as referred to above.

During the courses of hearing Learned Counsel for the Applicants brought to my notice O.M.No.1404/19/2002-Estt(D) dated 05.05.2003 and submitted that the case of the applicant No.2 for compassionate appointment has to be considered thrice.



I have gone through the DOP&T instruction dated 05.05.2003. The said instruction received due consideration in various cases and ultimately it has been held that as per the instruction dated 5.5.2003 case of appointment on compassionate grounds needs consideration thrice whereas the case of the applicant has been considered and rejected only twice. In view of the above, I am of the considered view that the case of the applicant needs consideration one more occasion. Hence this OA is disposed of at this admission stage with direction to the Respondents to consider the case of the applicant No.2 for appointment on compassionate ground one more occasion by the ensuing CRC meeting and communicate the decision thereon to the applicant No.1 within a period of thirty days from the date of holding of the CRC meeting. There shall be no order as to costs.

4. Copy of this order along with OA be sent to the Respondent No.2 at the cost of the applicant for which Learned Counsel for the Applicant undertakes to furnish the required postal requisite within three days hence.


(A.K.PATNAIK)
Member (Judl.)

BKS/PS