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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 620 OF 2013
CUTTACK, THIS THE 20th DAY OF March, 2015

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

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1. Akhtari Bibi,
Wife of Sk. Sanaullah,
PO- Chanigagal, Dist- Jajpur.

2. Sk. Oliullah,
Aged about 28 years,
S/o Sk. Sanaullah,
PO- Chanigagal, Dist- Jajpur,
Pin-754292.

(Advocates: M/s- C.Padhi, D.Mohanty, K.C.Kanungo, R. Tripathy) ...Applicant

VERSUS

Union of India Represented through

1. Director General of Posts,
Department of Posts, Govt. of India,
Dak Bhawan, Sansad Bhawan,
New Delhi.

2. Chief Post Master General,
Orissa Circle, Bhubaneswar,
Dist- Khurda.

3. Senior Superintendent of Post Office,
RMS 'N' Division,
Cuttack-753001.

4. SRO, RMS 'N' Division,
Jajpur Road, Jajpur.

(Advocate: Mr. D.K.Behera)

... Respondents

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ORDER

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

Applicant Nos. 1 and 2 are respectively the widow and the son of Late Sk. Sanaullah, who while working as Mailman died prematurely on 06.04.2004. The case of the applicant No.1, in nutshell, is that after the death of her husband she applied for compassionate appointment in favour of her son, i.e. applicant no.2 in the year 2004. However, after a long lapse, in the year 2011 applicant no.2 was communicated with the decision of the CRC that since he did not have the requisite qualification, his case has been rejected. Subsequent representation dated 03.11.2012 of Applicant no.1 for consideration of her son's case for compassionate appointment against a GDS post for which he had the essential qualification, having been rejected by the CRC meeting held on 22.01.2013, applicants approached this Tribunal in O.A No. 168/13, which was disposed of on 11.04.2013 with the following directions:

“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.”



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In view of the aforesaid order of this Tribunal, Respondents-authority after considering the representation of the applicant rejected the same vide order dated 01.07.2013 under Annexure-A/2. Accordingly, the applicant has filed this O.A. with the following reliefs:

- "a) Quash/set aside the order of rejection dtd. 01.07.2013 vide Annexure-A/2
- b) Direct the Respondents to reconsider the case of the applicant for providing appointment under compassionate ground.
- c) And be further to pass any order....."

2. The case of the applicant no.1 is that her husband was the sole earning member of the family and there is no other source of income of the family. The family was consisting of the widow, three sons and three daughters. At the time of the death of her husband, amongst the children, there were three minors and two unmarried daughters. Accordingly, to avoid the starvation and to tide over the distress condition, she applied for compassionate appointment in favour of applicant no.2.

3. Respondents have filed their counter opposing the prayer made in the O.A. They have stated that at the time of the death of the Govt. employee, compassionate appointment was sought in favour of applicant no.2, who was class IX pass at that point of time and was eligible for Group-D post only but there was no vacancy in Group-D cadre during 2004 and there was subsequent ban on posting in Group-D cadre, accordingly, his case was not considered. His case was considered against MTS post by the CRC held on 11.10.2011 but rejected as he did not fulfill the criteria of minimum educational qualification. His case was subsequently reconsidered against MTS posts by the CRC held on 14.01.2013 along with other similar cases but was again rejected. The ground of rejection of

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his case is that he secured only 73 merit points in a 100 point scale based on various indigency related attributes fixed by the Postal Department whereas the last candidate recommended by the said CRC secured 84 merit points in the similar scale. Thereafter, being aggrieved with the decision of the CRC held on 14.01.2013 the applicant filed O.A. No. 168/13 before the Hon'ble Tribunal. In view of the orders passed by the Hon'ble Tribunal in O.A. No. 168/13, Respondents again considered the representation of applicant no.1 to give compassionate appointment to her son in GDS post but rejected the same in the light of the Postal Directorate Letter No. 37-4/2013-SPB-I/C dated 04.02.2013 and, consequently, Annexure-A/2 was issued. However, they have candidly stated in the counter that the Department has decided to reconsider the case of the applicant no.2 in the next CRC meeting to be held for Departmental Cadre and in this connection letter dated 24.02.2014 under Annexure-R/5 has been issued to applicant no.2.

4. I have heard Mr. K.C.Kanungo, Ld. Counsel for the applicant, and Mr. D.K.Behera, Ld. Addl. Central Govt. Standing Counsel appearing for Respondents and have also perused the materials placed on record.

5. I have also gone through the written notes of submission filed by the Ld. Counsels appearing for both the sides, in which they have almost reiterated the stand taken in the O.A. as well as counter. The applicants have taken a ground in their written note of submission that claim of the applicants for compassionate appointment is required to be considered three times in accordance with the Govt. of India circulars and guidelines, which has not been done.

6. I find from the record that the case of the applicant has been considered and rejected twice. Therefore, the case of the applicant needs further






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consideration for one more time in terms of the DOP&T instruction dated 05.05.2003. Hence, I dispose of this OA with direction to the Respondents to consider the case of the applicants for one more time against the vacancy meant for appointment under compassionate ground in the next CRC whenever convened and communicate the result of such consideration in a reasoned order to the applicants.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



(A.K.Patnaik)
Member (Judicial)

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