

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR


O.A. No. 269/2001

Date of order: 26.04.2002

Hema Ram son of Late Moola Ram, aged about 20 years,
resident of Vill and Post- Bandhra Tehsil Nokha Distt.
Bikaner, His father late Moola Ram was last employed on
the post of EDMC Bandhra BO, Tehsil Nokha Distt. Bikaner.

...APPLICANT

V E R S U S

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1. Union of India through Secretary to Government of India,
Ministry of Communication, Department of Post,
Dak Bhawan, New Delhi.
 2. Assistant Superintendent of Post Offices (South),
Bikaner.
 3. Superintendent of Post Offices, Bikaner.
 4. Post Master General,
Rajasthan Western Region, Jodhpur.
 5. Shri Pawan Kumar, EDMC,
Bandhra BO, Tehsil Nokha Distt. Bikaner.

...RESPONDENTS

Shri B. Khan, counsel for the applicant.

Shri Vinit Mathur, counsel for the respondent No. 1 to 4.

None present for respondent No. 5.

CORAM:

HON'BLE MR. H.O. GUPTA, ADMINISTRATIVE MEMBER.

O R D E R

(Per Hon'ble Mr. H.O. Gupta, Adm. Member)

The applicant is aggrieved of the order dated 6.8.2001

(Annexure A/1), whereby one Shri Pawan Kumar - respondent No. 5 has been appointed as EDMC on compassionate grounds on to the post which fell vacant due to the death of his father on 29.3.2000. In relief, he has prayed for quashing the said order and for appropriate directions to the respondents to consider his case for appointment on compassionate grounds on the said post of EDMC.

2. The case of the applicant as made out, in brief, is that:-

2.1 The father of the applicant, late Moola Ram, left behind his wife aged 60 years, the applicant aged 20 years, applicant's younger brother aged 17 years. His eldest ~~and the~~ brother Shri Daulat Ram was adopted by the uncle of the applicant much before the death of his Father. Shri Daulat Ram is leading an independent life and is not supporting the family of the deceased in any manner as would be evident from the certificate dated 5.9.2001 (Annexure A/2A), given by Sarpanch, Gram Panchayat, Bandhara.

2.2 The deceased has left behind about 16 Bighas of un-irrigated land and a small dwelling house. There is no other source of income. An amount of Rs. 47000/- was received on account of DCRG and about Rs. 10000/- towards insurance etc. This amount has been spent on construction, repair of the dwelling house.

2.3 He, as well as his mother, submitted detailed representations (Annexure A/3 and A/4). He was given provisional appointment to the post of EDMC, Bandhra vide letter dated 16.10.2000 (Annexure A/5). He assumed the charge vide charge report dated 17.10.2000 (Annexure A/6). By impugned order, the respondent No. 5 was appointed as E.D.M.C. and he was relieved on 10.8.2001. There after, an affidavit as sought by the respondents,

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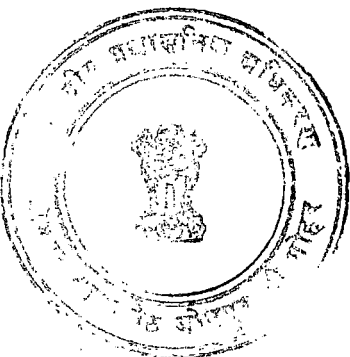
was submitted on 14.8.2001 (Annexure A/7).

2.4 He fulfills all the requirements for grant of compassionate appointment but the authorities have appointed one Pawan Kumar, private respondent No. 5 to the said post. He submitted a representation to respondents vide his letter dated 18.8.2001 (Annexure A/8). He was told by the respondent No. 3 that no written reply will be given to his representation and whenever any other vacancy becomes available, he would be considered.

3.0 The respondents have contested this application and have submitted that:

3.1 The applicant was appointed on provisional basis till his case on the compassionate ground is considered. Provisional appointment was given to help the applicant and also in the exigencies of work. The case of the applicant for appointment on compassionate ground was sent to the Regional Office but the Regional Office vide their letter dated 14.2.2000 informed that it has been rejected by the Circle Selection Committee. After rejection of the case of the applicant by the Circle Selection Committee, he was relieved on 10th August, 2000. There after the case of the private respondent no. 5 was sent to the Regional Office and it was informed that the Circle Selection Committee has selected the respondent No. 5 for compassionate appointment and accordingly the applicant handed over the charge of EDMC, Bandhara on 10th August, 2001.

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29

3.2 Shri Daulat Ram, the elder son of the deceased Moola Ram is working as B.P.M., Bandhara. Adoption of Shri Daulat Ram by Shri Sura Ram was not in the knowledge of the respondents-department nor any documentary evidence was supplied by the applicant prior to rejection of his case on 14th February, 2001/ 27th February, 2001.



3.3 The respondents never wrote to the applicant for giving any affidavit of his mother. The applicant was never given any assurance for consideration of his appointment for the future vacancies.


4. Heard the learned counsel for the parties and perused the record. It has been submitted by the respondents that the case of the applicant was considered by the Circle Selection Committee but was rejected. No reasons were given for rejection of his case. Even in their reply, respondents have not given any reason as to why the case of the applicant was rejected. His representation dated 18.8.2001 remains unattended. It appears that the case of the applicant was rejected as his elder brother Daulat Ram is working as B.P.M., Bandhara. The respondents have submitted that they did not have any knowledge of the adoption of Daulat Ram and that no documentary evidence was supplied to them prior to the rejection of the applicant's case. In the circumstances the case of the applicant requires reconsideration.

5. Accordingly, this O.A. is disposed of with a direction to the respondent No. 4 to consider the case of the applicant afresh. Let the applicant file a fresh representation along with relevant documents including the one pertaining to the adoption of his elder brother and a copy of this order, to the respondent No. 4, within a period of three weeks from today and by speed post to avoid delay. In that event,

2/10



the respondent No. 4 shall consider the case of applicant afresh, for appointment on compassionate ground as E.D.M.C. or to any other vacant Group 'D' post as may be available and as near to his home town as may be possible, within a period of two months from the date of receipt of his representation. In case ^{it} is not possible to offer him such appointment, the applicant shall be so informed with reasons for rejecting his case within the said period. No order as to costs.


(H.O. GUPTA)
Adm. Member

kumawat

Received copy
1/5/02
[Signature]

Part II and III destroyed
In my presence on 1/5/02
under the supervision of
Section officer [Signature] as per
order dated 1/4/02
[Signature]
Section officer (Record)

R/COP
on 1/5/02
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