

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

**Original Application No.97/2006
&
Misc. Application No.56/2006**

Date of decision: 08.03.2007

Hon'ble Mr. R.R. Bhandari, Administrative Member.

1. Tej Swaroop, S/o late Shri Hanuman Prasad Divakar aged 33 years, r/o OPP. Adarsh Vidhya Mandir School, Near Petrol Pump, Kuchman Road, Subhash Colony, Deedwana, Distt.Nagaur (father of applicant retired from Group D post under respondent No. 5)
2. Smt. Bhagwati Devi, W/o late Shri Hanuman Prasad Divakar aged 52 years r/o OPP. Adarsh Vidhya Mandir School, Near Petrol Pump, Kuchman Road, Subhash Colony, Deedwana, Distt.Nagaur

: Applicants:

Rep. By Mr. K.K. Maharshi : Counsel for the applicants.

VERSUS

1. Union of India through the Secretary, Ministry of Communication, Deptt. of Post Offices, Dak Bhawan, New Delhi.
2. Director General, Post Office, New Delhi.
3. Chief Post Master General Raj Circle, Jaipur (Rajasthan)
4. The Post Master General, Deptt. of Post Offices, JODHPUR. (Rajasthan)
5. The Superintendent of Post Offices, Nagaur Division, Nagaur (Rajasthan)
6. Head Post Master, Head Post Office, Deedwana Distt. Nagaur (Rajasthan)

: Respondents.

Mr. M. Godhara proxy counsel for
Mr. Vinit Mathur : Counsel for the respondents.

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ORDER

Per Mr. R.R. Bhandari, Administrative Member.

Certain defects have been pointed out by the Registry in the reply to the M.A., viz., proper seal of the authority was not there on each page. Heard the learned counsel for the respondents and verified the records. As there is proper seal of the Superintendent of Post offices on the last page as well as on the prayer, the defects are waived and the reply is taken on record.

2. M.A. No. 56/2006 has been filed by the applicants for condoning the delay in the filing the O.A. Heard the learned counsel for the applicants and the learned counsel for the respondents and perused the records. The learned counsel for the respondents argued that the applicants have not given any good and sufficient reasons for condoning the delay and therefore both the M.A as well as the O.A be dismissed. Considering the facts and circumstances of this case, on humanitarian grounds, M.A seeking condonation of delay is allowed.

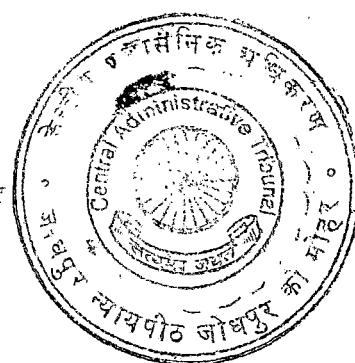
3. Heard the lengthy arguments advanced by the learned counsel for the applicants and the learned counsel for the respondents. Annexures were also perused.

[Signature]



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4. The main contention in the arguments of the learned counsel for the applicants is that the letter dated 14.07.2005 (Annex.A/9) submitted by the applicant No. 2, Smt. Bhagwati Devi, wife of late Shri Hanuman Prasad Divakar, to Chief Post Master General (Respondent No. 3) has not been dealt with and no intimation has been given to her about its disposal. The learned counsel for the applicants requested that the competent authority may be directed to take a decision on the same and intimate the decision taken thereof to the applicants within stipulated time.



5. The learned counsel for the respondents averred that Shri Hanuman Prasad Divakar, father of the applicant No. 1 retired from service on medical grounds in 1994. Applicant No.1 submitted an application for seeking compassionate appointment on Group 'D' post. This application was considered by the Circle Relaxation Committee (CRC for short) and rejected for the reason of long waiting list, non-availability of sufficient vacancies and ban on appointment. The outcome of CRC was communicated vide their letter of 15.01.1996 and 14.10.1996. On a query, letter of 15.01.1996 could not be produced in the Court by the learned advocate.

5.1 Later on, a request by the applicant No. 2 was replied by the respondent No. 5 (Annex. A/6 dated 16.12.2002). This letter brings out that the case of applicant No.1 for

appointment on EDMC/EDDA was sent to PMG on 28.10.2002.

Learned counsel for the respondents mentioned that EDMC/EDDA and GDS are the same.

5.2 In this regard the learned counsel for the respondents submitted that the recruitment to the posts in GDS are made in a different manner and as such the claim of the applicants for the post of GDS itself is wrong. The learned counsel, however, admitted that there was some mistake on the part of the officials in accepting the request of the applicants.



5.3 The learned counsel further submitted that the letter dated 16.12.2002, issued by the Superintendent of Post Offices, Nagaur (Annex. A/6), quoted by the applicant was in fact an intimation to the second applicant and he was not the competent authority to decide the issue involved in this case.

5.4 The learned counsel also argued that the notification dated 06.07.2005, issued by the 3rd respondent was to fill up only two posts of Group D and since compassionate appointment can be made only to the tune of 5% direct recruitment vacancies in a particular year, the prayer of the applicants for appointment on compassionate grounds cannot be acceded to.

6. After hearing both sides, I am of the considered view that the interest of justice would be met, if the respondents are directed to look into the matter afresh and decide the application dated 14.07.2005 (Annex. A/9) and pass a speaking order as per the rules and regulations on the subject. This may be done within a period of six months from the date of receipt of a copy of this order. O.A is partly allowed as above. In the facts and circumstances of this case, the parties are directed to bear their own costs.



R.R. Bhandari

**(R.R. Bhandari)
Administrative Member.**

Jsv.