

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.419/2014

Jodhpur, this the 22nd day of May, 2015

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Mukesh Kumawat S/o Shri Salag Ram, aged 29 years, R/o village Gadriawas, Post Swaroopganj, District Pratapgarh, Shri Salagram Ex.GDS BPM, Post Office Swaroopganj, District Pratapgarh.

.....Applicant

By Advocate: Mr. Vijay Mehta.

Versus

1. Union of India through the Secretary to the Government, Ministry of Communication (Dept of Posts), Sanchar Bhawan, New Delhi.
2. Chief Post Master General Rajasthan Circle, Jaipur.
3. Assistant Director, Office of Post Master General Rajasthan, Southern Region, Ajmer.
4. Superintendent of Post Offices, Chittorgarh.

.....Respondents

By Advocate : Mr. A.D. Sharma, present for Smt. K. Parveen.

ORDER (Oral)

The present application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for seeking the following relief(s):

"That on the basis of facts and grounds mentioned herewith, the applicant prays that the impugned order Annexure-A/1 may kindly be quashed and set aside and the respondents may kindly be directed to give appointment on compassionate grounds to the applicant forthwith. Any other order giving relief to the applicant may also be passed with costs."

2. Brief facts of the case as averred by the applicant are that the father of the applicant Shri Salag Ram Kumawat, while working on the post of GDS BPM Post Office, Swaroopganj, District Pratapgarh falling under the direct control of the respondent No.4 died while in service on 27.07.2013, leaving behind the applicant (his son), three daughters including one married daughter and his widow. The applicant has passed Senior Secondary. It has been averred that none of the family members of the deceased family are in employment and they have no earnings and the family was wholly dependent upon the deceased and moreover no pension rules are applicable upon the GDS employees. It has been averred that after the death of his father the applicant was appointed as GDS BPM in place of his father in post office Swaroopganj on provisional basis on 03.08.2013, however, he was discharged on 13.06.2014 for the reasons known to the respondents. Meanwhile the applicant submitted representation for appointment on compassionate grounds to the respondent No.2 through proper channel on 28.09.2013 (Annexure-A/2) along with all relevant documents. The respondent No.4 sent a copy of letter dated 15.07.2014 (Annexure-A/1) issued by the respondent No.3 rejecting the representation of the applicant and held that since the applicant is married he cannot be considered a dependent and hence cannot be considered for appointment on compassionate grounds. It has been

consider representation and case for appointment on compassionate grounds and he is even not forwarding office and the case is required to be considered by the Circle Relaxation Committee constituted by the respondent No.2. It has been further averred that the Director General Posts and Telecom vide its order dated 14.12.2010 (Annexure-A/3) issued a scheme for engagement of GDS on compassionate grounds and the Scheme lays down to give suitable job in GDS cadre after taking a balanced and objective assessment of the financial condition and after taking into consideration all other factors such as presence of earning member, size of the family and essential needs of the family including social obligations in order to assess the degree of indigence of all the applicants who have applied for grant of such appointment. It lays down that the cases shall be considered on divisions basis and a point system has also been introduced by this Scheme. The marking system has been further amended by orders dated 01.08.2011 (Annexure-A/4) and 09.03.2012 (Annexure-A/5). It has been further averred that the respondent No.3 rejected the case of the applicant and did not forward the same to the respondent No.2 who is competent authority on the ground that as per directions contained in letter dated 09.10.2013 (Annexure-A/6) married son is not considered as dependent and this order was issued much after the death of the father of the applicant and much after the representation

retrospective effect. It has been further averred that the respondent No.3 without considering complete order in true perspective has held that since the applicant is not dependent his case has been rejected. Therefore the applicant has approached this Tribunal for the relief(s) mentioned in para No.1.

3. Counsel for respondents did not file the reply, despite several opportunities, but admitted to letter dated 14th January, 2015 regarding married son being considered as one of the dependents, having been issued by the Department of Posts and submitted that the matter could be decided accordingly.

4. Heard. Counsel for the applicant submitted that in this matter vide Annexure-A/1, which is copy of letter No.STA/II/SR/49-01/2014 dated 15.07.2014, it has been informed that "in the above context, I am directed to say that as per your report, the applicant Shri Mukesh Kumawat is married. Since a married Son/Daughter is not considered department on a GDS & hence cannot be considered for engagement on compassionate grounds as per directions contained in Postal Directorate, New Delhi letter No.17-17/2010-GDS dated 09.10.2013. Pleased inform the applicant accordingly". The copy of this communication has also been addressed to the applicant for information. Counsel for the applicant contended that the sole ground

applicant is a married son and therefore not dependent. In this context, he referred to earlier order of this Tribunal and also the circular No.17-39/3/2012 –GDS dated 04.01.2015 issued by the Government of India, Ministry of Communication & IT, Department of Posts (GDS Section), which directly applies to the applicant that a married son shall also be considered for appointment on compassionate grounds. Counsel for the applicant further submits that though the reply has not been filed by the respondents but since the matter pertains to only consideration of the case of the applicant in the light of the circular dated 14.01.2015 (a copy of which was provided during the course of hearing and the same taken on record), and therefore he prayed that the OA may be decided by given directions to the respondents.

5. Considered the rival submissions and perused the record. In this OA, the main issue is whether a married son can be considered as dependent for compassionate appointment for GDS and the respondents have already issued Circular No.17-39/3/2012-GDS dated 14th January, 2015 in this regard. Thus, looking to the facts and circumstances of the case, it is proposed to dispose of this OA with certain directions.

6. Accordingly, the respondents are directed to reconsider the case

dated 14.01.2015 issued by the Government of India, Ministry of Communication & IT, Department of Posts (GDS Section) at the earliest and preferably within four months from the date of receipt of a copy of this order.

The OA is thus disposed of with no order as to costs.

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(MEENAKSHI HOOJA)
Administrative Member

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