

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A.1133 of 1997

Present : Hon'ble Mr.D.Purkayastha, Judicial Member.

PANCHIBALA MONDAL W/o  
Late Ananta Mondal, aged  
about 45 years, residing  
at Vill. and P.O.Purbadeuli  
via Hatgacha, Dist.North  
24 Parganas.

... Applicant  
Vs.

1. Union of India through the Secretary,  
Ministry of Communication,  
New Delhi.
2. The Chief Post Master General,  
West Bengal Circle, Yegayeg  
Bhawan, Calcutta-12.
3. Assistant Director of Postal  
Services (R), West Bengal Circle,  
Yegayeg Bhawan, Calcutta-12.
4. The Sub-Divisional Inspector,  
Basirhat 1, Sub-Division Basirhat,  
743411.

... Respondents

For the applicant : Dr.(Ms.)S.Sinha, counsel.

For the respondents: Mr.Bikash Chatterjee, counsel.

Heard on : 2.7.1998

Order on : 2.7.1998

ORDER

Being aggrieved and dissatisfied with the inaction  
and non-action on the part of the respondents in the matter  
of consideration of the representations filed by the  
applicant, Smt.Panchibala Mondal, for getting the benefit of  
appointment on compassionate ground on account of the death  
of her husband on 23.6.1995 while he was in service as  
E.D.M.C. Purbadeuli Branch Office under the respondents the  
applicant has filed this application before this Tribunal.

2. According to the applicant immediately after the death  
of her husband on 23.6.1995, she became mentally upset and

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hence applied for appointment on compassionate ground for her grandson since the deceased employee left no son as his legal heir. The respondents considered the said representation for appointment of the applicant's grandson, Shri Ramkrishna Mondal <sup>through</sup> by the Circle Selection Committee and after a careful consideration of his case, the same was rejected by the Committee as "not eligible" and such decision was communicated to the applicant's grandson by the letter dated 24.4.1996 (annexure 'B' to the application). Thereafter the applicant made an application for her compassionate appointment on 7.4.1997 which was followed by another application on 17.7.1997, stating that she was 45 years old and was physically fit for getting appointment on compassionate ground but the respondents did not give any reply to her applications. Hence the applicant has approached this Tribunal on 26.9.1997 for having a direction upon the respondents to give her an appointment on compassionate ground as she was in a distress condition.

3. During the pendency of the case, the applicant received a letter dated 18.3.1998 which has been produced before me by the ld. counsel for the applicant, by which the applicant was asked to furnish some particulars and information for

~~consideration of her case for appointment. According to Applicant she furnishes the required information and documents~~

4. The respondents have resisted the claim of the applicant

by stating that it is a pre-mature one as the representations of the applicant are still under the consideration of the respondents and they are enquiring into the matter and as soon as the enquiry will be completed, her case will be considered for appointment on compassionate ground. It is admitted by the respondents that the applicant applied for compassionate appointment of her grandson, Shri Ramkrishna Mondal, soon after the death of her husband, but the same was rejected by the Circle Selection Board as 'not eligible'. Shri Ramkrishna Mondal had then filed an application before this Tribunal being O.A.479 of 1997, challenging the decision of the competent authority in rejecting his case for appointment on

compassionate ground and the O.A. was subsequently dismissed for non-prosecution on 18.9.1997. However, it is denied by the respondents that at the time of death of her husband the applicant was not mentally fit and that is why she made an application for appointment on compassionate ground for her grandson. They state in order to make out her claim afresh, such a statement has been made by the applicant, as she has made an application for her own compassionate appointment only after rejection of the case of her grandson, Shri Ramkrishna Mondal.

5. During argument, Dr.(Ms.)S.Sinha, 1<sup>st</sup>.counsel appearing for the applicant has produced a letter dated 18.3.1998 which indicates that the representation of the applicant is under the consideration of the respondents. It is mentioned in the letter that the applicant should furnish the information asked for alongwith the related papers to the office as early as possible. 1<sup>st</sup>.counsel for the applicant submits that the required information as asked for by the said letter has been furnished to the respondents.

6. Mr.Bikash Chatterjee, 1<sup>st</sup>.counsel, appearing on behalf of the respondents, submits that the matter is under the consideration of the respondents and hence there should be no such allegation that the respondents have not considered the case of the applicant for compassionate appointment until a final decision is taken by the respondents in the matter. It is also stated by Mr.Chatterjee that no medical certificate has been produced by the applicant in support of her statement that she was mentally ill after the death of her husband and she applied for compassionate appointment of her grandson, Shri Ramkrishna Mondal. It is also submitted by Mr.Chatterjee, 1<sup>st</sup>.counsel for the respondents that Shri Ramkrishna Mondal filed one O.A. bearing no.479 of 1997 challenging the decision dated 24.4.1996 and that O.A. has been dismissed by this Tribunal. So the instant application filed by the applicant on the same ground is barred by resjudicata.

7. I have considered the submissions of the 1st. counsel for both the parties and perused the documents and the order passed by this Tribunal regarding dismissal of the D.A. filed by Ramkrishna Mondal. On perusal of the said order of this Tribunal it is found that the said application has been disposed of for non-prosecution. Since the matter has been disposed of for non-prosecution, thereby it cannot be said that the subject matter or issue involved in that case had been adjudicated by this Tribunal. It is found from the order that the said D.A. was allowed to be withdrawn for non-prosecution of the applicant. Hence, I am of the view that such an order cannot operate as resjudicata in the instant case. However, it is an admitted position that the case of appointment of Ramkrishna Mondal was rejected by the authority on 24.4.1996. Thereafter, the applicant made an application for appointment on compassionate ground for herself. It is found from the order dated 24.4.1996 that on consideration of the case of Ramkrishna Mondal, he was not found eligible for the compassionate appointment. It is a settled law that an administrative or quasi-judicial order must contain reason or ground for rejection. The expression of the word "not eligible", as mentioned in the letter dated 24.4.1996 was not supported with any reason as to why Ramkrishna Mondal was not found eligible for consideration. However, the applicant being the widow of the deceased, applied for appointment on compassionate ground for herself after rejection of the prayer for appointment in respect of Ramkrishna Mondal. I find that the present applicant, Panchibala Mondal, applied for appointment on compassionate ground immediately on rejection of the claim for appointment of her grandson by the letter dated 24.4.1996 and that application is pending for consideration. Admittedly, the husband of the present applicant died on 23.6.1995, leaving the applicant in distress condition. So appointment on compassionate ground under the scheme is applicable to the widow of the deceased, who is the applicant in this case. It is found that after the filing of this application by the applicant, more than 3 years have elapsed already, but

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Auditor General  
v India & V.G. -  
Anomita R. Rao,  
in view of the judgment of the Hon'ble Supreme Court in 1994 S.C.C. (Lts) 580 -  
case. It is found that after the filing of this application

the application of the applicant has not been disposed of.

8. In the case of Smt. Sushma Gosain vs. UOI & Ors. (1989 SC (L&S) 662), the Hon'ble Apex Court has categorically opined that in all claims for appointment on compassionate ground, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress.

9. In view of the aforesaid circumstances, as I find that the matter has already been delayed for more than one year from the date of filing of the representation by the applicant for her compassionate appointment, the very purpose of the scheme is going to be frustrated for delayed consideration of the case, in view of the judgment passed by the Apex Court, as mentioned above. As the respondents have admitted that the matter of compassionate appointment of the applicant is under the consideration of the respondents, I find this is a fit case for giving a time bound direction upon the respondents to consider the case of the applicant for appointment on compassionate ground. Besides, the applicant is a widow member of the scheduled caste community and has been facing economic hardship due to loss of the sole bread-earner of the family and having no son.

10. Hence, I direct the respondents to consider the case of the applicant for appointment on compassionate ground within 3 (three) months from the date of communication of this order and a reasoned decision should be communicated to the applicant within 15 days from the date of taking such a decision, as directed. Liberty is given to the applicant to approach this Tribunal if she is aggrieved by the decision of the authorities.

11. With these observations and direction, this application is disposed of without making any order as to costs.

27/1/98  
(D. Purkayastha)  
Judicial Member