

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 437 of 1997

Friday, this the 8th day of August, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. Smt.P. Omanakutty,
W/o R. Padmanabhan Nair,
Thaikavil House, Thuravoor PO,
Alapuzha District. .. Applicant

By Advocate Mr. PC Sebastian

Versus

1. The Union of India represented by
the Director General,
Department of Posts, Dak Bhavan,
New Delhi.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. The Superintendent of Post Offices,
Alapuzha Division, Alapuzha. .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 8.8.97, the
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to quash A-6 order dated 18-2-97,
to declare that A-7 order dated 29-5-92 is ultra vires of
the Constitution and also to direct respondents to reconsider
her claim for compassionate appointment.

2. The applicant is the wife of Sri R. Padmanabhan Nair
who was working as Extra Departmental Branch Postmaster,
Thuravoor South post office. The applicant's husband was
discharged from service on invalidation with effect from

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2-8-1996 by the 3rd respondent, as per A-1 order. The applicant submitted a representation before the 3rd respondent for providing appointment to her on compassionate ground. The same was rejected by the 3rd respondent, as per A-6 order.

3. Though in the reply statement filed by the respondents it is stated that the applicant is liable to honour the decision of the Circle Relaxation Committee which is the competent authority on compassionate appointment, the learned counsel appearing for respondents submitted that it is due to an inadvertant mistake it is stated that decision has been taken in this matter by the Circle Relaxation Committee and, in fact, the matter has never reached before the Circle Relaxation Committee. That being the position, the applicant has got a remedy by way of approaching the Circle Relaxation Committee. It is also submitted by the learned counsel for respondents that the Circle Relaxation Committee is headed by the 2nd respondent.

4. The learned counsel for the applicant submitted that it is suffice to permit the applicant to submit a representation before the Circle Relaxation Committee for redressal of her grievance. The learned counsel appearing for the respondents submitted that there is no objection for adopting such a course.

5. Accordingly, the applicant is permitted to submit a representation before the Circle Relaxation Committee within one month from today. If such a representation is received, the Circle Relaxation Committee shall consider

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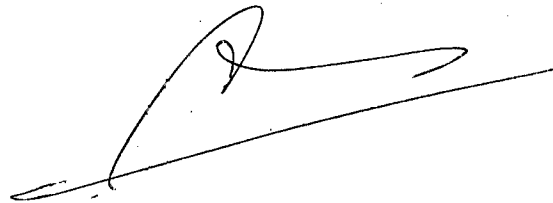


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the same and dispose it of by a speaking order within a period of three months from the date of receipt of the representation.

6. Original Application is disposed of as above.
No costs.

Dated the 8th of August, 1997

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line and a small flourish.

A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A-1 : True photo copy of order No.83/Claim Dated 2-8-96 by the 3rd respondent .
2. Annexure A-6 : True copy of letter No.83/Claim dated 18-2-97 issued by the 3rd respondent to the applicant's husband.
3. Annexure A-7 : True photo copy of order No.G.1.Dept. of Posts Lr.No.14/25/91-ED &TRG dated 29-5-92 issued by the 1st respondent.

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