

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.24/2002

Monday, this the 18th day of March, 2002

CORAM

HON'BLE MR K.V. SACHIDANANDAN, JUDICIAL MEMBER

C.J. Prajeesh, Veena,
Palapuzha, P.O. Kakkengad,
Via.Peravoor, Kannur District.

Applicant

[By Advocate Mr M.C. Nambiar]

Vs.

1. The Union of India represented by the Secretary to Government, Ministry of Communications, Department of Posts, New Delhi.
2. The Director General, Department of Posts, New Delhi.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
4. The Superintendent of Post Offices, Thalassery Division, Thalassery. Respondents

[By Advocate Mr Sunil Jose, ACGSC]

The application having been heard on 18.3.2002, the Tribunal on the same day delivered the following:

O R D E R

K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant has passed SSLC and is working in the Postal Department as Branch Post Master as a substitute of his father K.C.Lakshmanan, who was working as GDS BPM in Aralam Farm Branch Post Office under the Thalassery Division since 1973. Due to rheumatic complaint he was on leave from September, 1998. The 4th respondent has issued a termination order dated 5.11.2001, a copy of which is Annexure A-1. Even before Annexure A-1 was made

the applicant's father made a representation before the 3rd respondent on 17.3.2001 which is Annexure A-2 and on 23.5.2001 the applicant also made a representation which is marked as Annexure A-3. The applicant's mother also made a representation on 2.10.2001 which is Annexure A-4.

2. The applicant was given temporary appointment and worked for a period from 25.01.2001 to 30.4.2001 which is proved by Annexure A-5 memo dated 13.02.2001. In earlier also the applicant was working as substitute which is substantiated by Annexure A-6 memo dated 17.01.2001. Again the applicant's father made a representation dated 8.11.2001 for appointment of the applicant under compassionate grounds. The true copy of representation is Annexure A-7. Annexures A-8 and A-9 are yet another representations made to that effect. But a reply was received from the 4th respondents, as per Annexure A-10 dated 17.7.2001, stating that the applicant's request cannot be acceded to. This was rejected by Annexure A-11 order dated 28.11.2001. Though in the application the applicant has taken a stand that his father has retired, the respondents submitted that it is not correct. The respondents has filed a statement that the applicant's father K.C.Lakshmanan, GDS BPM was on leave on medical grounds for a long period since 1999. Therefore he was subjected for a medical examination by the Medical Officer in charge, Public Health Centre, Iritty to certify whether the above GDS BPM was capable of returning to his normal duty as Branch Post Master. The said medical authority examined Shri

K.C.Lakshmanan on 15.5.2001 and certified that he is suffering from Rheumatoid Arthritis and he required continuous treatment and that he is unfit to discharge the duties of a Branch Post Master. On the basis of the above medical opinion, a notice for terminating his services was issued by the 4th respondent vide Annexure A-1 and in response to that Shri K.C.Lakshmanan submitted one representation dated 19.11.2001 requesting for appointment of his son i.e to the post of GDS BPM, Aralam Farm. He has further stated that the Superintendent of Post Offices, Thalassery is not the proper authority to consider appointment for near relative on compassionate ground, which at the time of argument, not pressed.

3. Counsel for applicant and respondents were heard and this Tribunal has perused the materials on record. The applicant has also filed the judgment of this Tribunal in OA 220/98 which is Annexure A-13. The question that was considered in that judgment is whether the benefit of the scheme of employment assistance on compassionate grounds is available to the dependents, near relatives of ED Agents discharged prematurely on medical invalidation and the letter issued by the Assistant Director General in connection with such a matter is to be set aside. After elaborated discussion and considering various medical and legal points and decisions of the Apex Court, Full Bench of this Tribunal held that the benefit of the Scheme of Employment

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the termination order by No.B3/209 dated 5.11.2001.
2. A-2: True copy of the representation made by the applicant's father before the 3rd respondent on 17.3.01.
3. A-3: True copy of the applicant's representation before the 3rd respondent dated 23.5.2001.
4. A-4: True copy of the representation made by the applicant's mother dated 2.10.2001.
5. A-5: True copy of the letter of 4th respondent by No.B3/209 dated 13.2.2001.
6. A-6: True copy of the letter of 4th respondent by No.B3/209 dated 17.1.2001.
7. A-7: True copy of the representation submitted by the applicant's father before the 3rd respondent dt. 8.11.2001.
8. A-8: True copy of the representation submitted by the applicant's father before the 3rd respondent dt.26.11.2001.
9. A-9: True copy of the application submitted by the applicant before the 4th respondent dated 22.11.2001.
10. A-10: True copy of the letter by No.B3/209 dated 17.7.2001 of Supdt. of Post Offices, Thalasserry.
11. A-11: True copy of the letter of the Chief Post Master General-3rd respondent by No.Rectt/7-Gen/2001 dated 28.11.2001.
12. A-12: True copy of the circular of the 4th respondent by No.B3/209 dated 11.12.2001.
13. A-13: True copy of the order in O.A 220/98 dated 8.11.2001 of this Hon'ble Tribunal.

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