

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.252/2000

Wednesday this the 24th day of May, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

A.K. Divakaran,  
S/o late A.K.Gangadharan, aged 28 years  
Malamal Kalam, Palode PO  
Manarkad College, Via. Palghat. ...Applicant

(By Advocate Mr. P. ramakrishnan

Vs.

1. Union of India, represented by the  
Director General Department of Posts,  
New Delhi.
2. The Chief Post Master General,  
Department of Posts,  
Kerala Circle, Trivandrum.
3. The Superintendent of Posts,  
Ottapalam Division,  
Ottapalam.l. ...Respondents

(By Advocate Mr.P.Vani, ACGSC)

The application having been heard on 24.5.2000, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant is the son of Shri A.K.Gangadharan  
who died while in service on 3.12.99 as an Extra  
Departmental Branch Post Master, Palode Post Office.  
Pursuant to an intimation by the Post Master General,  
Northern Region in a letter of condolence that there was a  
scheme for compassionate appointment, the applicant's  
mother submitted an application for employment assistance  
on compassionate grounds in favour of the applicant. A  
copy of the application alongwith necessary documents were  
also given to the Sub Divisional Inspector. Finding that

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the request is kept pending and steps are in progress for filling up the post of EDBPM, Palode P.O. by issuing a notification dated 11.1.2000 (A.6) the applicant has filed this application for setting aside A6 notification holding that the applicant is entitled to be appointed as EDBPM, Palode PO on compassionate grounds and for a direction to the respondents to appoint the applicant as EDBPM, Palode P.O.

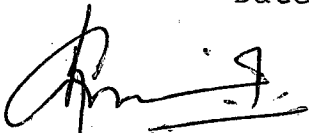
2. The respondents have in their reply statement stated that the case of the applicant for employment assistance on compassionate grounds is yet to be decided at the Circle Relaxation Committee, that in case the claim is allowed, the applicant would be accommodated in a post near to his place of residence as far as possible but contend that the applicant does not have an indefeasible right to be appointed on the same post on which his father was working. However, they have indicated in the reply statement that on the basis of a selection held pursuant to Annexure.A6 one Mahesh Kumar has been selected for appointment, <sup>and</sup> that he has been appointed on a provisional basis subject to the outcome of this application. They have also contended that the application is bad for non-joinder of Shri Mahesh Kumar.

3. When the application came up for hearing today, the counsel on either side agree that the application may be disposed of directing the respondents to take a final decision on the claim of the applicant for compassionate appointment within a reasonable time and that the regular appointment to the post of EDBPM, Palode may be made only after such a decision is communicated.

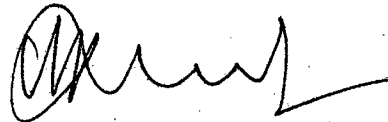
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4. In the result, in the light of the submission of the learned counsel on either side the application is disposed of directing the respondents that a final decision on the claim of the applicant for employment assistance on compassionate grounds shall be communicated to the applicant within a period of three months from the date of receipt of a copy of this order and that regular appointment to the post of EDBPM, Palode PO shall be made only after a decision on the applicant's request is communicated to him. No order as to costs.

Dated the 24th day of May, 2000



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

S.

List of annexures referred to:

Annexure.A6: True copy of memo B3/P/4 dated 11.1.2000  
issued by 3rd respondent.

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