

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A.NO.: 295/96

DATE OF DECISION: 27-NOV-96.

SMT. RASHMANI DEVI, W/o Late Ramji Pandit, R/o of Vill.:
Dharamraichak, P.O. : Lakhisarai, P.S.: Lakhisarai,
Distt.: Lakhisarai.

..... APPLICANT.

Vrs.

1. The Union of India, through the D.G.-cum-Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The CPMG, Bihar Circle, Patna.
3. The Director, Postal Services, O/o the CPMG, Patna.
4. The Sub-Divisional Inspector, Post Offices, Central Sub-Division, Munger.

..... RESPONDENTS.

Counsel for the applicant : Shri J. K. Karn

Counsel for the respondents :Shri J.N. Pandey.

ORDER DICTATED IN OPEN COURT

P R E S E N T

HON'BLE MR. D. PURKAYASTHA, MEMBER (JUDICIAL) :

Heard Shri J. K. Karn, learned counsel appearing on behalf of the applicant. Shri J.N. Pandey, learned Sr. Standing Counsel for the respondents submit that though the department has not filed written statement in this case yet he may be allowed to argue the case on law point only as he has received instruction from the department to argue the case on law point only.

2. Case of the applicant is that her husband, Late Ramji Pandit was EDMC, posted at Tetrahat EDBO in Munger Postal Division and he died on 07.08.1995 leaving

minor

the widow, the applicant, and three children in dire distress and in indigent condiction. Thereafter, she applied for appointment on compassionate ground in place of her husband in the month of September, 1995, in view of the instructions contained in Annexure-A/1 & A/2 of the application. It is also stated that she fulfills the requisite qualification for appointment on compassionate ground as prayed for. Owing to non-appointment, the plaintiff has approached this Tribunal for a direction upon the respondents to expedite the process ~~tion~~ of issuing the appointment as the family of the deceased employee is facing starvation.

3. According to the learned counsel appearing on behalf of the applicant, the applicant is entitled to get appointment on compassionate ground in view of ~~decisions~~ contained in Annexure-A/1 & A/2 of the application. The learned ~~@@~~ Sr. Standing Counsel appearing on behalf of the respondents produced a statement submitted by Assistant Director of Postal Services, O/o the CPMG, Patna, and submits that the applicant is not entitled to get appointment in view of the instructions contained in sub-clause-3 of para-4 of the decision contained in Annexure-A/2 of the application. For the purpose of getting appointment on compassionate ground for the post of EDMC, minimum ~~qualifications~~ prescribed qualification is middle pass and the applicant is illiterate and does not fulfill the

requisite qualification for the post ~~of~~ so she cannot be appointed against the post of EDMC on compassionate ground but, he submits that her case was duly considered by the authority and case has been listed for consideration by Circle Relaxation Committee in the next meeting. So in view of the aforesaid circumstances, the petitioner is liable to be dismissed.

4. I have considered the submissions of both the parties and since the learned counsel, ^{of the appellants} by producing the statement signed by Assistant Director of Postal Service O/o the CPMG, Patna, has assured that the case of the applicant was listed for consideration by the Circle Relaxation Committee in the next meeting for the purpose of relaxation of her qualification and her case shall be considered by the Committee, the applicant may wait for decision of the Circle Relaxation Committee. I hope that the applicant would get appropriate relief for having been appointed on compassionate ground on the face of the assurance made by the learned Sr. Standing Counsel. Thereby, in the circumstances of the case it is ordered that respondents should fix the date of ^{for} consideration by the Circle Relaxation Committee immediately and her case may be disposed of within three months from now. In case the applicant does not get appointment within three months from today, she would be at liberty to come

before this Court again for getting appropriate relief if she thinks it fit and proper. Accordingly, the case is disposed of with the above observation.

5. Costs on parties.
6. Copy of this order be sent to the respondent no.
2. CPMG, Patna for necessary action.

10/11/96
(D. PUR KAY ASTHA)
MEMBER (J)