

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 190 OF 2006[Patna, this Thursday, the 17<sup>th</sup> Day of August, 2006]C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Nirmal Kumar Jha, S/o Late Krishndeo Jha, resident of mohalla – 12 Pathar,  
Distt.:– Samastipur. ....APPLICANT.

By Advocate :- Shri J.K.Karn.  
Shri H.K.Karn.

Vs.

1. The Union of India through the Secretary-cum-D.G., Department of Posts, Dak Bhavan, New Delhi.
2. The Director [Staff], Ministry of Communication & Information Technology, Department of Posts, Dak Bhavan, New Delhi.
3. The Chief Postmaster General, Bihar Circle, Patna.
4. The Postmaster General, Northern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Samastipur Division, Samastipur. ....RESPONDENTS.

By Advocate :- Shri S. K. Tiwary, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard both the sides.

2. Father of the applicant, an employee in the Postal Department had died in harness on 04.06.1995 while he was holding the post of Assistant Post Master. The applicant thereafter applied for appointment on compassionate ground and, as claimed by the applicant, he was selected for appointment to the post of Postal Assistant by the Circle Relaxation Committee in the year 1996-97 itself. However, the applicant was not so

posted and his name was kept in the waiting list whereafter he was served a letter 21.06.2001 issued by respondent no.3 informing him that his name was discontinued from the waiting list of candidates approved for compassionate appointment. The applicant was also told that if he was willing for posting in other Ministries/Department of Govt. of India he should submit his willingness within a given period [Annexure-A/1]. Thereafter, by Annexure-A/2 the applicant was asked to give his willingness for consideration of his appointment as GDS such as EDBPM, EDDA, EDMC, etc.

The applicant has claimed that he should be posted on a Group 'C' post and not on a Group 'D' post. With such prayer, the applicant has come up before this Tribunal with prayer that he be allowed to join to the post of Postal Assistant to which post he was selected by the CRC, even by creating a supernumerary post.

3. The respondents entered appearance and filed their written statement and admitted that the CRC had approved his appointment in the PA Cadre and the name was kept in the waiting list. But, since appointment could be made only up to 5% of total vacancies in Group 'C' & 'D' posts, the applicant could not be appointed for want of vacancy. It is also admitted that the applicant was asked to submit his willingness for appointment to GDS cadre and on his acceptance, he already was offered the post of GDS.

4. In course of arguments the learned counsel for the applicant on because query submitted that there was no vacancy in Group 'C' or 'D' post, the applicant is willing to be posted on a GDS post.

5. The learned counsel for the respondents submits that in view of



the facts coming out from the pleadings, this Court may dispose of this matter with direction as it may deem suitable, pointing out that earlier the applicant had not accepted a GDS post which was offered to him.

6. It will appear from the pleadings that vacancies for compassionate appointment in Group 'C' or 'D' posts not being available, the applicant though was selected for a Group 'C' post by the CRC, could not be so appointed. It may be mentioned here that the CRC considers the cases of applicants for compassionate appointment arising within the circle as it makes recommendations about suitability of such candidates for granting such a relief which, however, has recommendatory value and is subject to the availability of posts, and the position of a particular applicant in the waiting list.

7. However, it is also clear that the respondents had not only agreed to provide the applicant a GDS post but also had offered him one. Now, the applicant is at present ready to accept such a posting.

8. In that view of the matter, this application is disposed of by directing the respondent no.3 [Chief Postmaster General, Bihar Circle, Patna] to consider the case of the applicant, and in view of what has been discussed above, to consider him offering a GDS post, if possible, at a nearby place where the applicant resides. Such consideration should be made within three months of receipt of a copy of this order.

9. With the aforesaid directions, this application is disposed of.

No costs.

skj.



[P. K. Sinha]/VC