

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A. No.: 403 of 2006

[Patna, this Thursday, the 20th Day of July, 2006]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.  
HON'BLE SHRI S.N.P.N.SINHA, MEMBER [ADMN.]

Bharat Jyoti, S/o Late Mishri Shah, [alias Late Shri Mishri Prasad in voter list & I.Card], resident of Mohalla – New Purandarur, P.S.: Jakkanpur, P.O.: Patna G.P.O. Dist. Patna, Retd APM [HSG-1] Patna GPO. ....APPLICANT.  
By Advocate :- N o n e [applicant-in-person]

Vs.

1. Union of India through the Secretary, Ministry for Communication, Dak Bhavan, New Delhi- 110 001.
2. The Secretary, Department of Posts, India, Ministry for Communication, Government of India, Dak Bhavan, New Delhi-110 001.
3. The Member, Personal, Ministry for Public Complaint and Pension, [Administrative Reforms and Public Complaint], Government of India, Sardar Patel Bhavan, New Delhi 110 001.
4. The Chief Postmaster General, Bihar Circle, Patna 800 001.
5. The Chief Postmaster, Patna G.P.O. 800 001. ....RESPONDENTS.  
By Advocate :- Shri M.K.Mishra, SSC.

O R D E R

Justice P. K. Sinha, V.C.:- Heard the applicant appearing-in-person and the learned Sr. Standing Counsel for the respondents. In the circumstances as obtaining in this case, this application is being disposed of after hearing on admission.



2. In short, the applicant had submitted a proposal to the authorities “To provide facility of special relaxation in appointment of dependents of the Government employees under special relaxation of normal rules of recruitment if existing and if not existing, making provision that whoever does a unique work in the interest of nation during the service period and performing his duty and wants to retire for rendering his whole time to Nation, his dependent may be provided a suitable job according to his qualification and merits” [quote].

3. The applicant has claimed that he had invented a unique, simple and cheaper voting system which could not be manipulated, for fair election, at the same time minimising expenditure. On account of that he wanted his son to be appointed.

4. Not getting any relief, the applicant thereafter came in OA 232 of 2004 [Annexure-2] which was disposed of by order dated 20.12.2004 wherein this Tribunal observed that though the applicant could not seek his son's appointment on compassionate ground as a matter of right, but taking into consideration that the written statement was not very comprehensive, the Tribunal was of the opinion that in view of the provisions as discussed earlier, particularly the Scheme of the department for compassionate appointment, more particularly Clause 3, the matter could be referred to the competent authority for reconsideration. The matter was so remitted back and respondent no.2 was directed to look into the matter, treating the OA as representation and to record speaking order as per law and Scheme on the subject.

5. Speaking order was recorded under Annexure-5. It was pointed out



that the applicant had sought voluntary retirement vide letter dated 06.07.2000 for imparting full time service to the nation and at the same time requested for appointment of his eldest son, Amar Jyoti, by relaxing normal rules under special compassionate grounds. Since the voluntary retirement was conditional, no decision was taken thereupon. The Circle Relaxation Committee also did not consider the case as there was no provision in the Scheme for such compassionate appointments of the wards of an employee seeking voluntary retirement.

6. The speaking order [Annexure-5] has recorded <sup>that</sup> the Scheme for compassionate appointment formulated in 1998 had also pointed as to whom the Scheme applied to. Obviously, under para 2 of the Scheme this does not apply to an employee seeking voluntary retirement or to an employee who might have done some extraordinary work.

7. In the speaking order the claim of the applicant that similar proposal of the Sports Board was allowed in a meeting held in the year 1980 in the office of the Postmaster General, Kolkata has been negated by observing that as on date no such relaxation was granted to the dependents/wards or the artists or of outstanding sportsmen.

8. When this Tribunal asked the applicant, appearing in person, to show any rule or law under which such prayer could be considered, the applicant submitted that if there was no such rule, this Tribunal could direct the respondents for framing of such a rule.

9. The applicant already has submitted an application in that regard to the Secretary to the Govt. of India, Department of Posts, Ministry of



Communications, New Delhi. In that he has pointed that he had prayed for consideration of his son's case on the basis of the provisions if existing and, if not existing, for making a new provision.

10. It would be within <sup>the</sup> right of the Secretary of the Department to consider such a prayer and if found proper, place the matter for consideration of the appropriate authority of the department. But, I am afraid, in absence of any such provision this Tribunal cannot allow such prayer of the applicant to order appointment of his son on the ground as taken in this application. In so far as the demand made by the applicant for making such a provision is concerned, this Tribunal also cannot direct the respondents to make such a provision. However, the concerned officials of the department would be free to consider the request of the applicant as made out through Annexure-6 if they find the proposal to be feasible or acceptable. But, obviously, as already stated, this Tribunal cannot issue direction compelling the respondents to make any such provision by considering such a proposal favourably.

11. In the aforesaid circumstances, it is clear that the reliefs, as sought by the applicant, cannot be granted by this Tribunal.

12. That being so, this application is dismissed. No costs.

  
[S.N.P.N.Sinha]/M[A]

skj.

  
[P.K.Sinha]/VC