

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 556/97

Date of decision: 2.5.97

Between:

M. Kousalya

... Applicant

And

1. Union of India rep. by
Secretary,
Department of Posts,
New Delhi.

2. The Director of Postal Service,
O/o PMG, Hyderabad Region,
Hyderabad.

... Respondents

Mrs. Padma

... Counsel for applicant

Mr. N.R.Devaraj, SCGSC

... Counsel for respondents

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HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *Q*
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O R D E R

The applicant is the widow of a former BPM who passed away in August, 1996, while in service. The applicant is a claimant for the post of the appointment held by her late husband and ^{has,} accordingly, submitted a representation to the respondents. The respondents have, however, notified the vacancy of BPM (in the office where her husband was earlier holding the post) on 24.2.97. The last date for receipt of applications was fixed for 26.3.97. The grievance of the applicant is ^{that} the respondents have not conveyed any decision ^{by her} on the representation submitted [^] on 12.3.97.

2. From the facts as narrated in the OA, and from the submissions made by Shri N.R.Devaraj, Senior Central Government Standing Counsel, it is ~~is~~ clear that the applicant cannot have any legal right to claim the post earlier held by her husband. Her name was not apparently sponsored by the

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Employment Exchange, nor did she apply on her own for the said post in the evident belief that her representation would be considered favourably. This was not quite correct in view of the fact that, as already stated, she does not have any right to claim the said post. However, instructions do exist for according preference ^{in appointments} to the heirs or dependants of deceased employees on compassionate grounds while making ~~selections to fill~~ existing or arising vacancies.

3. Considering the totality of circumstances of the case it is considered just and equitable to provide her atleast an opportunity of being considered for the post as per rules and instructions. This can be achieved only if her application comes up for consideration of the concerned authorities.


4. The applicant is, therefore, given the liberty and opportunity of applying for the said post within next 15 days. She is directed to approach the Superintendent of Post Offices, Peddapalli Division, along with a copy of this order within one week. Superintendent of Post Offices, Peddapalli Division, shall provide her ^{with} an application form to enable her to apply for the post of EDBPM, Kannal EDBO ~~of~~ Manthani sub office under Peddapalli Head Office. Her candidature shall be considered along with the applications of other candidates who may have either applied directly in response to the notification, or whose names may have been sponsored by the concerned Employment Exchange, provided ^{that} the process of selection has not been completed till today. It shall be open to the Superintendent of Post Offices to select a candidate most suitable for the job and no specific

[Signature]

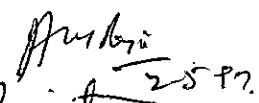
directions can be given, or ^{are} given, in this regard. All that is required is that the present applicant's candidature should be duly considered as per rules.

5. Should it, for some reason, ^{be} not found possible to select or appoint her as BPM, Kannal EDBO, the Superintendent of Post offices shall have necessary action initiated within a month of the final selection of EDBPM, Kannal, to consider her case for appointment on compassionate grounds in any other office/unit as per rules in force. In other words, her case shall be duly examined at the Sub Divisional/Divisional level, and if she is otherwise found eligible for appointment on compassionate grounds, the case may be sent up in the usual course for consideration, as per rules, of the Circle Relaxation Committee.

6. Thus the OA is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (Admve.)

2nd May, 1997


Deputy Registrar (Dce.)

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O.A.556/97

To

1. The Secretary, Dept.of Posts,
Union of India, New Delhi.
2. The Director Postal Service,
PMG Hyderabad Region, Hyderabad-1.
3. One copy to Mrs. Padma, Advocate, CAT.Hyd.
4. One copy to Mr. N.R.Devraj, Sr.CGSC. CAT.Hyd.
5. One copy to Hon'ble H.Rajendra prasad, Member(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 2-5-1997

~~ORDER~~ / JUDGMENT

M.A./R.A/C.A. No.

in

O.A.No. 556/97

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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