

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 27 of 1997
T.A. NO.

DATE OF DECISION 14.2.1997

(AT ADMISSION STAGE)

Ms Lilabati Devi

(PETITIONER(S))

Shri B.K. Sharma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)


Shri S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?


Judgment delivered by Hon'ble Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.27 of 1997

Date of decision: This the 14th day of February 1997
(AT ADMISSION STAGE)

The Hon'ble Justice Shri D.N. Baruah, Vice-Chairman

Ms Lilabati Devi,
Daughter of Mrs Keisam Mema Devi,
Moingsengee, Mamang Leiki,
Imphal, Manipur.

.....Applicant

By Advocate Shri B.K. Sharma.

- versus -

1. Union of India, represented by
Secretary to the Ministry of Communication,
New Delhi.
2. The Post Master General,
N.E. Circle,
Shillong.
3. Senior Superintendent of Post Offices,
Manipur Division,
Imphal.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

Heard Mr B.K. Sharma, learned counsel for the applicant and
Mr S. Ali, learned Sr. C.G.S.C.

2. In this application the applicant has prayed for appropriate
directions to the respondents to appoint her on compassionate ground.
Facts for the purpose of disposal of this application, as per the averments
made by the applicant, are :

The applicant's father is an ailing person and unable to perform
any job. Her mother, Smt Keisam Mema Devi, was an Assistant Postmaster
at Imphal Head Office. She also became invalid and accordingly she was
made to retire prematurely on medical ground with effect from 20.5.1996.
After retirement of her mother the financial condition of the family of

the applicant became very strained and it was very difficult for the family to meet both the ends. The applicant is a graduate in Arts and she has knowledge of typing also. Having faced with the financial hardship, the applicant filed an application to the Chief Postmaster General, N.E. Circle, Shillong, on 26.8.1996 for appointment in the said department on compassionate ground as per Annexure-B Circular to the application. Her case was not favourably disposed of. Situated thus, the applicant filed yet another representation dated 23.10.1996. But nothing was done. Thereafter also, some more representations had been submitted. But nothing had been done. Hence the present application.

3. Law regarding appointment on compassionate ground is well settled. This is to tide over the difficulties after a bread earner is unable to earn. From the facts narrated by the counsel for the applicant it appears that the daughter is qualified to get an appointment in the Postal Department on compassionate ground. From the facts it is also clear that the family is now passing through extreme financial difficulties. The Annexure-B Circular shows that in such cases the applicant is entitled to get an appointment on compassionate ground. It is not known whether the authority applied its mind to this aspect as there is nothing on the record to show why the applicant was not given appointment on compassionate ground.

4. On hearing the learned counsel for the applicant and Mr S. Ali, I dispose of this application with a direction to the Chief Postmaster General, respondent No.2, to make an enquiry either by himself or through a competent officer under him as to the averments made in the application and also consider Annexure-B Circular and the decisions of the Apex Court given on various cases in this regard. On enquiry if the applicant is entitled to be appointed as per the circulars she shall be appointed in a post commensurate to her educational and other qualifications. The authority shall also consider whether the applicant's family is at present facing any financial difficulties. If it is found on such enquiry that the applicant is qualified and eligible, she shall be appointed in any such post if vacant. This must be done as early as possible and at any rate

within.....

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within a period of four months from today. I make it clear that the applicant being a lady the authority should make an endeavour to appoint her at Imphal, if possible.

5. With the above observations the application is accordingly disposed of.

6. Copy of the order shall be furnished to the counsel for the parties as early as possible.



(D. N. BARUAH)
VICE-CHAIRMAN

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