

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 50 of 1998.

DATE OF DECISION..... 28-7-1999.

Sri Dipak Sharma

(PETITIONER(S))

Sri S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

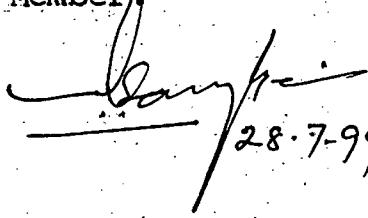
Sri B.C.Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS,

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.
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 Administrative Member.


28.7.99

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 50 of 1998.

Date of Order : This the 28th day of July, 1999.

Shri G.L.Sanglyine, Administrative Member.

Shri Dipak Sharma,
Resident of Village - Bhaluki,
Tihu, Dist. Barpeta (Assam)

... Applicant ..

By Advocate Sri S.Sarma.

- Versus -

1. Union of India,
represented by the Secretary
to the Govt. of India,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Director General (Posts)
Dak Bhawan,
New Delhi-110001.
3. The Chief Post Master General,
Assam Circle,
Guwahati - 781001.
4. The Superintendent of Post Offices,
Nalbari-Barpeta Division,
Nalbari-781335.
Assam.

... Respondents ..

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMN MEMBER,

The applicant is the son of late Kamal Ch. Sarma who expired on 4.7.1994 while in service as Sub Post Master, Tihu Sarma sub Post Office. Late left behind his widow Smt Kamala Devi and two sons, namely, Giridhar Sharma, the elder son, and Sri Dipak Sharma, the younger son. According to the records available after the death of late Kamal Sarma the family received family pension of Rs.900/- per month, DCR Gratuity Rs. 77,220/-, GPF amount Rs. 64,096/-, CG employees Insurance Rs.35,228/- and encashment of leave amount Rs. 9,520/- from the respondents.

The late employee also owned Basti land of 2 bighas and cultivable land of 4 bighas with an estimated annual income of Rs. 12,000/- according to the respondents. The younger son Sri Dipak Sharma applied for compassionate appointment. The respondents thereafter made enquiries by Annexure-G letter dated 20.1.1995, Annexure-F letter dated 1.5.1995 and Annexure -H letter dated 29.5.1995. Thereafter on 10.1.1996 by Annexure-I letter the prayer for appointment of the applicant on compassionate ground was rejected on the following grounds :

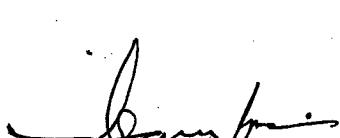
- (i) his elder brother is working in a college, and
- (ii) the monthly income of the family was Rs. 2000/-.

The matter was pursued further by the mother of the applicant for appointment of the applicant on compassionate ground but by Annexure-J letter dated 3.4.1996 the respondents informed her that the Circle Selection Committee had examined the case of appointment of the applicant on compassionate ground in 1995 and found that her elder son was working in a college and therefore the applicant could not be appointed on compassionate ground. Still the matter was pursued by the applicant and by Annexure-K letter dated 9.10.1996 he was informed that his prayer was rejected as the monthly income of their family was around Rs.5,500/-. Still the applicant persisted with his prayer for compassionate appointment and by Annexure-N letter dated 20.10.1997 he was informed that he cannot be appointed as the income of their family was around Rs.5000/-. Hence this application. In this application the applicant has prayed for a direction on the respondents to appoint him on compassionate ground against any vacant post commensurating with his educational qualification. The respondents have ^{tion} contested the application and submitted written statement.

2. Heard Mr S.Sarma, learned counsel for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents. Mr

Sarma submitted that the respondents had rejected the prayer of the applicant for his compassionate appointment by giving contradictory and vague reasons and thereby depriving the applicant of the appointment. Mr Pathak on the other hand supported the action of the respondents and submitted that according to the financial criteria the applicant is not in indigent circumstances as will be seen from the properties left behind by the deceased employee. According to rule he is not also entitled to appointment as his elder brother is an employee of a college. I have heard counsel of both sides. It is seen that the respondents have given different grounds at different times for rejection of compassionate appointment to the applicant. They had also determined the income of the family differently from time to time. It appears to me that the respondents had whimsically rejected the prayer of the applicant for appointment on compassionate ground and I am of the view that the respondents may consider the prayer of the applicant once again. For this purpose the applicant is directed to submit fresh representation praying for his compassionate appointment. If such representation is received by the respondents within one month from today, the respondents shall consider the appointment of the applicant on compassionate ground after due enquiry and according to rules. A speaking order shall be communicated to the applicant within two months from the date of receipt of the representation from the applicant.

With these directions the application is disposed of.
No order as to costs.


28.7.99
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER