

501/100
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Salil
4/12/14

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 894/02
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s): D. Baryam
- Vs. -

Respondent(s): K. O. I. Sons

Advocate for the Applicant(s): Dr. M. Pathak, D. Boruah, T. Das

Advocate for the Respondent(s): Cafe

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Condonation Pet. is filed but not allowed for Rs. 50/- filed vide IPO/BB No 79/606853 Dated 11/12/02.	13.12.02	Heard Dr. (Mrs.) M. Pathak, learned counsel for the applicant. Issue notice to show cause as to why the application shall not be admitted. List on 13.1.2003 for admission.
<i>By Register.</i> <i>12/12/02</i>		<i>Vice-Chairman</i>
Slips & Envelopes taken. Notice served and Sent to D/S for serving the respondent No 1 to 4 by Regd. A.D. 13/12/02 <u>DINo. 3380 W/83 dd. 17/12/02</u>	13-1-2003	Due to vacation, the case is adjourned to 29-1-2003. <i>On 29</i> Present : The Hon'ble Mr. Justice D. N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S. K. Hajra, Administrative Member.
mb	22.1.2003	Heard Dr. (Mrs.) M. Pathak, learned counsel for the applicant. The application is admitted. Call for the records.
		List again on 24.2.2003 for orders.
<i>Member</i>		<i>Vice-Chairman</i>

No. written statement
has been filed.

24.2.2003 Put up again on 25.3.2003 to enable the respondents to file ~~xxpk~~ written statement as prayed by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

24.3.03

Vice-Chairman

No. written statement
has been filed.

25.3.2003 Further four weeks time is allowed to the respondents to file written statement. List on 29.4.2003 for order.

28.4.03

S.K.H.

Member

Vice-Chairman

mb

No. written statement
has been filed.

29.4.2003

Written statements are yet to be filed by the respondents. List the case on 28.5.2003 enabling the respondents to file written statement.

27.5.03

Vice-Chairman

bb

28.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Member (A).

Put up again on 27.6.2003 before the Single Bench. In the meantime, the respondents may file written statement, if any.

26.6.03

R
Member

Vice-Chairman

mb

27.6.03

Further two weeks time is allowed to file written statement on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C.

List on 18.7.03 for order.

(3)

(3)

O.A. 394 of 2002

Notes of the Registry	Date	Orders of the Tribunal
	18.7.2003	<p>Heard Mr. J. Das, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C.</p> <p>Written statement filed and the case may now be listed for hearing on 22.8.2003. The applicant may file rejoinder, if any, within two weeks from today.</p>
8/18/03 Affidavit in reply submitted by the Applicant.	bb	
	22.8.2003	<p>On the prayer of Mr. J. Das, learned counsel for the applicant the case is adjourned. List on 19.9.2003 for hearing.</p>
	19.9.03	<p>On the prayer of learned counsel for the applicant case is adjourned to 24.10.03 for hearing.</p>
	24.10.03	<p>There is no Bench today. Adjourned to 3.11.03.</p>
	3.11.03	<p>No Bench today. Adjourned to 25.11.03.</p>
	25.11.03	<p>No Bench today. Adjourned to 16.12.03.</p>

Vice-Chairman

Vice-Chairman

Member

Mo
bB70
1aB70
1a

4
O.A. 394/2002

Notes of the Registry

Date

Orders of the Tribunal

16.12.2003

Adjourned. List on 2.01.2003
for hearing.

Wts have been filed.

2/1/04

mb

KCV
Member (A)

2.1.2004

Heard counsel for the parties.
Hearing concluded. Judgment
delivered in open Court, kept
in separate sheets.

The application is disposed
of in terms of the order. No order
as to costs.

KCV
Member

9/2/04

copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant
as well as to the
R.C.G.S.C. for the Respondent

pg

8/

2/16/04

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. of 394 2002.

2-1-2004.
DATE OF DECISION

Shri Dhanjit Bayan APPLICANT(S).

Dr (Mrs.) M.Pathak. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

Union of India & Ors. RESPONDENT(S).

Sri A.Deb Roy, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR K.V.PRAHLADAN, 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 Ho'ble Member(A)

UW

N

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 394 of 2002.

Date of Order : This the 2nd Day of January, 2004.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Shri Dhanjit Bayan,
Son of late Upendra Nath Bayan,
Village & P.O. Bhawanipur,
District, Barpeta, Assam. . . . Applicant

By Advocate Dr (Mrs) M.Pathak.

- Versus -

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Communications,
Department of Posts,
New Delhi.
2. The Director General,
Department of Posts,
New Delhi.
3. The Postmaster General,
Assam Circle, Meghdoct Bhawan,
Guwahati-1.
4. Postmaster,
Rehabari Post Office,
Rehabari, Guwahati-8. . . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R (ORAL)

K.V.PRAHLADAN, ADMN.MEMBER,

The issue relates to compassionate appointment of the applicant. The father of the applicant was a permanent employee of Group D in the post office at Rehabari, Guwahati. He died on 1.6.99 while he was in service. After death of his father the present applicant applied for compassionate appointment on 9.8.99 with all relevant certificates. He also submitted several representations praying for compassionate appointment. Failing to get any response from the respondents he filed this application praying for compassionate appointment.

[Signature]

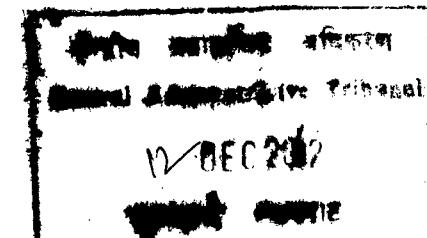
2. The respondents filed its written statement contesting the claim of the applicant. According to the respondents the name of the applicant is yet to be cleared by the Circle Selection Committee and therefore he could not be appointed. His case can be considered only after his name is cleared by Circle Selection Committee and the availability of vacancy.

3. After hearing the learned counsel for the parties and considering the pleadings made in the application as well as in the written statement, the respondents are directed to consider the case of the applicant for compassionate appointment. Since his father died in harness and his family is facing financial hardship, his case may be considered with utmost sympathy as per rules and to consider his case in any Group 'C' or 'D' post available with the respondents to which the applicant is entitled to as per rules and regulations relating to compassionate appointment.

Lev
With this the O.A. is disposed of. No order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

13/12/02



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

(Application under Section 19 of the Central Administrative
Tribunal Act, 1985)

Title of the Case : OA No. 994 /2002

Sri Dhanjit Bayan Applicant.

-Versus-

The Union of India & Ors. Respondents.

I N D E X

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5.	-C-	Representation dt. 9.8.99	- 12
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7.	-E-	Certificate dt. 9.7.2002	- 14
8.	-F-	Copy of the Order dt. 11.6.02	- 15-16

Filed by -

Dilip Baruah

Advocate

11/12/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

Filed by the Applicants
through:

Dilip Barman
Advocate
11-12-2002

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. OF 2002

BETWEEN

Shri Dhanjit Bayan
Son of late Upendra Nath Bayan
Village & P.O. Bhawanipur
District- Barpeta (Assam)

... Applicant

-versus-

1. Union of India
Represented by the Secretary, Govt of India
Ministry of Communications, Department of Posts
New Delhi.
2. The Director General, Department of Posts,
New Delhi.
3. The Postmaster General
Assam Circle, Meghdoot Bhawan
Guwahati-1.
4. Postmaster, Rehabari Post Office
Rehabari, Guwahati-8.

... Respondents

Dhananjit Bayan

DETAILS OF THE APPLICATION :**1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :**

- (i) This application has not been made against any specific order but for appointment against any Group C or D posts under the respondents as provided by the Scheme for appointment on compassionate ground after the death of father, who died in harness.
- (ii) The applicant made a series of representation seeking appointment compassionate grounds immediately after the death of his father, but the respondents have not considered his case up-till now.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that the subject matter of the application is within the period of limitation prescribed under the section 21 of the Central Administrative Tribunal Act,1985.

4. FACTS OF THE CASE :

- 4.1 That the applicant is the citizen of India and a permanent resident village and P.O. Bhawanipur, District- Barpeta (Assam) and as such, he is entitled to all the rights,

Dhanajit Bagan

protection and privileges as guaranteed under the Constitution of India.

4.2 That the applicant has passed the HSLC Examination in the year 1994 from the Bhawanipur Higher Secondary School,

The photo copies of the HSLC pass certificate is annexed as ANNEXURE-A.

4.3 That the father of the applicant, late upendra Nath Bayan, alias, Upen Bayan was a permanent employee of Group D and was serving in the Post Office at Rehabari, Guwahati. The father of the applicant died in harness on 1.6.1999. After the death, the death certificate was obtained from the competent authority of the Govt. Assam on 17.7.1999. On getting the death certificate from the said authority, the applicant submitted application to the respondent No.3 on 9.8.1999 and prayed for appointment on compassionate ground as provided under the Scheme of the department. As the applicant got no response and his family faced severe financial hardship due to loss of income and support from the only earning member of the family, he submitted representations on 3.1.2000 and on 19.1.2001 and ultimately on 25.5.2002 by post but in vain. The last place posting of the father of the applicant was in the Rehabari Post Office, Guwahati. To that extent the applicant subsequently obtained a certificate from the Postmaster of the Rehabari Post Office, Guwahati on 9.7.02.

Death certificate dt. 17.7.99,
The photo copies of the representation dt. 9.8.99, 25.5.2002 and the certificate dt. 9.7.02 are annexed as ANNEXURE-B, C, D and E respectively.

Dhanajit Bayan.

4.4 That the deceased father of the applicant left behind him his wife and three sons including this applicant. The applicant being the eldest son of the deceased father, is under the responsibility to look after all the affairs of the family and the younger brothers and as a result, he is experiencing great financial difficulties. Under the circumstances, it is therefore, highly essential for the applicant to get a job so that he may protect himself and his family from starvation. The applicant is willing to accept any kind of job under the respondents.

4.5 That on personal contact, the respondents assured the applicant verbally that his case is being considered soon. But surprisingly, the respondents even did not care to acknowledge the receipt of the representations submitted by the applicants. Therefore, the applicant has the reasons to believe that unless legal steps are initiated against the respondents, the case of the applicant would not be considered at all; and hence, this application.

In this connection the applicant states that there is a clear policy of the respondents to make appointment on compassionate ground as laid down by the "Scheme for Compassionate Appointment, 1998" issued by the Department of Personnel and Training, Ministry of Personnel, P.G and Pensions, Govt. of India. The applicant craves the leave of this Hon'ble Tribunal to allow the applicant to rely upon and to produce the copy of the said Scheme in the court at the time of hearing of the case.

4.6 That the applicant took steps from his side for immediate appointment of the applicant on compassionate ground, but it is the respondents who have delayed the matter without assigning any reason of without any notice to the applicant. Therefore, the action of the respondents is illegal and it amounts to violation of the provisions of the principles of natural justice and administrative fair-play. Moreover, in all

Dhanajit Bayan

cases of death of employees while in harness, the respondents have considered the cases of compassionate appointment under the Scheme of the Govt. of India. But it is the only case where the respondents have maintained silence and not doing anything for the compassionate appointment of the applicant. If there is no available vacancies within the permissible 5% quota, in that case also the respondents could have appoint the applicant in any Extra Departmental Post like EDDA,ED Branch Postmaster, ED Mail carrier or in any Casual works pending his appointment under the Scheme. This applicant is willing to accept any appointment if he is appointed against any Extra Departmental Post as stated above, if necessary by relaxing the norms and commensurating his eligibility. In this connection, the applicant states that recently, the respondents have considered such cases of compassionate appointment in Extra Departmental Posts by relaxing the norms. This was done vide order issued by the Superintendent of Post Offices, Silchar Division, Silchar, No.B1/Rectt/Relax/Misc. dt.11.6.2002.

A copy of the said order dt.11.6.2002 is annexed hereto as the ANNEXURE-E.

4.7 That the applicant demanded justice from the respondents which has been denied to him.

4.8 That this application has been made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the action of the respondents for appointment the applicant on compassionate ground under the Scheme of the Govt. of India is highly illegal and arbitrary and inaction for letting the applicant know as to why his

Dharmajit Bagan

appointment is delayed is violative of the provisions of natural justice.

- 5.2 For that the action of the respondents for appointing the applicant and appointing some other similarly situated persons as Extra Departmental Staff under the rules is clearly discriminatory which has violated the provisions of the Article 14,16 and the 21 of the Constitution of India.
- 5.3 For that the apparent action or inaction of the respondents in dealing with the matter of the applicant is discriminatory and negligent act of the respondent, which can not sustain in law.
- 5.4 For that in any view of the facts and circumstances of the case, the applicant is entitled to be appointed on compassionate ground under the Scheme.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not previously filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

Dhananjay -

8. RELIEF SOUGHT FOR :

Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them so show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the records including the causes, if any shown be the respondents, Your Lordships would also be pleased to direct the respondents as follows :

- 8.1 to consider the case of the applicant for appointment on compassionate ground under the scheme of the Govt. of India in any Group D or C post;
- 8.2 or in case there is no immediate available vacancy to accominodate the applicant for appointment on compassionate ground within the prescribed limit of quota, in that case, to direct the respondent to consider the case of the applicant for appointment in Extra Departmental Posts, namely, EDDA, EDBPM, ED Mail Carrier, ED Packer, ED Stamp vendor etc. as the case may as suitable to the eligible criteria for the applicant;
- 8.3 to pay the cost of the application;
- 8.4 or may pass order for any other relief to which the applicant is found entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, the applicant prays for grant of an interim order to direct the respondent to engage the applicant as a casual labourer/daily rated worker anywhere under the Barpeta-Nalabari Division of the respondent under the supervision of the

Dharmajit Baryon.

Superintendent of Post Offices, Barpeta- Nalbari Division, Nalbari or against any leave vacancy or short term vacancy in any Groud D or C or any other post whichever is possible and available for the applicant in accordance with his eligibility and suitability as the case may be.

10. The application is filed through Advocate.

11. PARTICULAR OF I.P.O. :

I.P.O. NO. 7G. 66853

Date of Issue : 11-12-2002

Issued from : G. P. O. Guwahati

Payable at : Guwahati

12. LIST OF ENCLOSURES :

As stated in the INDEX.

Verification ...

Dhananjit Bayan

VERIFICATION

I, Shri Dhanjit Bayan, son of late Upendra Nath Bayan, aged about 26 yrs permanent resident of village and Post Office- Bhawanipur, District- Barpeta (Assam), do hereby solemnly affirm and state that the statements made in the application in para 1 to 4, 4.1, 4.4, 4.7, 4.8, 5 to 9 and 10 ~~~~~ are true to my knowledge and belief, those made in para 4.2, 4.3, 4.5, 4.6 and 11 being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 11th day of December, 2002 at Guwahati.

Dhananjit Bayan.
Deponent.

PROVISIONAL CERTIFICATE
BHAWANIPUR HIGHER SECONDARY
SCHOOL.

No. - 313

Certified that Sri / Smti Dhananjit Bayan
Roll. Code No: 1456 No: 16

Regular / Private Candidate of this School appeared in the
H. S. L. C. Examination in the Year 1994 and
He / She had duly Passed the said Examination under
the Board of Secondary Education, Assam in 3rd
Division.

His / Her date of birth is 31.3.77

while at school his / her conduct and character was good.

Dated, Bhawanipur
the 19 / 7 / 94

8772 *31/7/94*
PrincipaL Principal
Bhawanipur Higher Secondary School

R. H. S. S.
D. S. T. M.
Advocate

SI. No.
ক্রমিক নং

22036

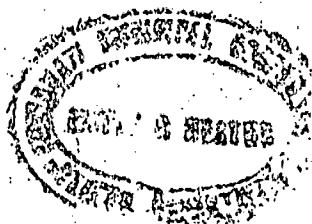
1536

মত্তোন জন্ম

-11-

Form No. 10
ফর্ম নং. ১০

GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(ধাৰ্য সেবা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ অমৃত পত্ৰ)

ISSUED UNDER SECTION 12 of the Registration of Births and Deaths Act, 1969
ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯-ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death which is in the register for the month of July 1999 Registration Unit Barpeta of District Kamrup of the State of Assam.
নিম্নলিখিত দাবা প্রমাণিত কৰা হৈ যে নিম্ন লিখিত তথ্য অসম বাজাৰ-জিলাৰ খণ্ড/পৌৰসভাৰ মৌজাৰ অস্তৰ্গত- পঞ্জীয়ন গেটৰ পঞ্জীৰ মূল অভিলেখৰ পৰা সংশ্লিষ্ট কৰা হৈছে।

UPENDRA NATH BAYAN INDIAN
Name/নাম : Male Nationality/জাতি Brahmapur Barpeta
Sex/লিঙ্গ : Permanent Address/স্থায়ী ঠিকনা

1st July 1999 (Nine凌 Nineteen Ninety Nine) 2604
Date of Death/মৃত্যুৰ তাৰিখ Registration No./পঞ্জীয়ন নং 1705/99 16/7/99
Place of Death/মৃত্যুৰ স্থান Date of Registration/পঞ্জীয়ন তাৰিখ

Name of Father/Mother/Husband/পিতা/মাতা/ Permanent Residential Address/পিতা/মাতাৰ স্থায়ী ঠিকনা
যমীন নাম Dele Khanlal Nall 15 Brahmapur Barpeta

Dr. E. Chowdhury

Signature of issuing authority/প্রক্ষেপক চৰ্চা
Designation/পদবী- Medical Officer Barpeta
Date/তাৰিখ 15/7/99

Mr. B. C. Sengar
Chief Registrar/মুখ্য পঞ্জীয়ক

Witnessed
Directorate
Advocate

To,
The Postmaster General
Assam Circle, Meghdoct Bhawan
Guwahati-1.

Date : 9.8.99

Sub: Appointment of the son of late Upendra Nath Bayan
on compassionate ground.

Sir,

I have the honour to lay before you the following
few lines for faveur of your kind consideration and
favourable action.

That Sir, my father, late Upendra Nath Bayan was an
employee in Group D in the office of the Rehabari Post
Office, Guwahati. He died on 1.6.1999 in harness when he
was in employment.

That Sir, with great sorrow I state that I am the
eldest son of my deceased father and besides me he left
behind my mother and two school going brothers. After the
sudden death of my father, I have been compelled to bear
the entire responsibility of the family. Unless I get an
appointment under your kind disposal, I shall have to die
for starvation. So, I solicit your kind faveur to give me
an appointment on compassionate ground as may suit me
under your disposal.

As regard my educational qualification, I state that
I have passed the H.S. Examination and I am now about 23
years old.

This is for your kind action and for which I shall
remain ever grateful to you.

Yours faithfully,

Dhananjit Bayan

(Dhananjit Bayan)

P.O. & Vill. Bhawanipur

Dist. Barpeta (Assam)

*Altifid
D. Roshan
Rasoi*

-13-

Date 25.5.2002.

To

The Post Master General,
Head post office, Guwahati,
Guwahati-1.

Sri Dhanajit Bayan

Sub :- Appointment on compassionate ground.

Sir,

In pursuance of my earlier applications, I have the honour to lay before you the following few lines for favour of your kind and sympathetic consideration.

That Sir, since the death of my father on 1.6.1999, my family is facing acute financier hardships. But my application for appointment on compassionate ground has not yet been considered.

I therefore, fervently request you once again kindly to consider my request and arrange to appoint me in any post as you deem fit and proper for me and to save me and my family from starvation.

I sincerely hope that you would kindly do the needful and save myself from miseries, distress and for thus act your kindness, I shall remain ever pray.

Yours faithfully,

Dhanajit Bayan

Dhanajit Bayan,
P.O. & Vill Bhawanipur,
Dist. Barpeta, Assam.

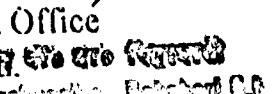
...

*Attested
D. B. Baruah
Advocate*

OFFICE OF THE POST MASTER
REHABARI POST OFFICE, GUWAHATI.

Certified that Late Upen Bhayan , Ex - ~~Ex~~ - was an employee in
D - Group in office of the Rehabari Post Office, Guwahati.

He was appointed on..... ... an died in harness on
....., when he in duty.


Post Master
Rehabari Post Office
Guwahati. 
Date: 27/10/2002
Place: Rehabari Post Office, Guwahati

Attested
by
Advocate



DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SENIOR SUPDT OF POST OFFICES
CACHAR DIVISION, SILCHAR-788 001

Memo No. B1/Recrt/Relax/Misc

Dated at Silchar the 11-06-2002

The following candidates as approved by the Chief Postmaster General Assam Circle, Guwahati No. Staff/16-Rg/88/Part dated 10-05-2002 and R.O Dibrugarh No. Staff/23-Approved Case/99/RP dated 14-05-2002 for compassionate appointment against GDS posts are hereby appointed the post noted against their names.

Name and address	Particulars of approval by C.O	Post against which approved	Allotted GDS post for absorption
1. Smt. Smitikana Das, Sister of late Buddhamoy Das, Ex-P/A, Badarpur SO	Staff/16-Misc/97 dated 11-11-99	PA	ED Stamp Vendor, Badarpur
2. Sri Nilotpol Roy, S/O late Nikunja Ch. Roy, Ex-Postman, Gumrabazar	Staff/16-Misc/97 dated 06-10-97	Postman	EDDA-C-EDMC, Chirukandi
3. . Himangshu Paul, S/O late Phani Bh. Paul, Ex-Group D' P&T Dispensary, Silchar	Staff/16-Misc/97 dated 06-10-97	Postman	ED Packer, Kamarnadhu
4. Smt. Arati Kali Deb, W/O late Gopal Ch. Deb, Ex-Postman, Tarapur S.O	Staff/16-Misc/97 dated 06-10-97	Postman	ED Packer, Kumbhia
5. Sri Gopal Namasudra, S/O late Gopendra Namasudra, Ex-Group D' Cachar Dn.	Staff/16-100/93 dated 07-12-93	Group D'	EDDA, Bhairabnag (Lakhi bazar)
6. Sri Sanjib Kr. Sengupta, S/O late Sukhendu Sengupta, Ex-SPM, Badarpur Bazar	Staff/16-103/93 dated 07-12-93	Group D'	EDMC, Ramkanta TE Ramnukhia, T.S
7. Sri Jayanta Debnath, s/o late Benode Behari Debnath, Ex-Group D' Haflong	Staff/16-105/93 dated 07-12-93	Group D'	ED Packer, Kalinagai
8. Sri Kajal Das, s/o Smt. Suni Bala Das, Ex-Group D' Silchar	Staff/16-Misc/97 dated 07-10-97	Group D'	EDDA-C-EDMC, Chengurhat (Binni Kamalighat)

STAMP
RECORDED
ADMITTED

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9. Sri Babudhan Dhree S/O late Bijoy Kr. Dhree, Ex-O/S Cash, Silchar H.O	Staff/16-Misc/97 dated 11-11-99	Group 'D'	EDDA-C-EDMC Darranghat Grant (in account with Manipurbagan S.O)
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Their appointment is subject to the following condition.

Since the candidates have accepted the GDS Post, they would have no further claim for appointment on any special consideration against regular departmental vacancies for which they were initially approved and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. For this, they will submit their undertaking to their respective appointing authorities before joining to the post of GDS.



(J. K. BARBHUIYA)
Sr. Supdt of Post Offices
Cachar Dn. Silchar- 788001

Copy to:-

1. The Chief Postmaster General, Assam Circle, Guwahati-781 001 w.r.t his letter no. cited above.
2. The Postmaster General, Dibrugarh Region, Dibrugarh-786 001 w.r.t his No. Staff/23-Approved Case/99/RP dated 03-09-01 and 14-05-02.
- 3-5. The Sr. Postmaster, Silchar/Postmaster, Karimganj/Hailakandi H.O for information.
- 6-10. The ASPOs (N) Sub-Dn./SDIPOs, West/Hailakandi/Karimganj Sub-Dn. for information. They will obtain requisite undertaking as per instruction given above and issue posting and appointment letters to the candidates immediately. The undertaking should be duly countersigned and forward to this office for record. Any candidate if declined to submit declaration or refuse to join against the post, the fact should be intimated immediately to this office.
- 11-19. The concerned candidates. They will submit undertaking before joining.
- 20-22. Spare.

*Attended
J. K. Barbhuiya
Parvati*



Sr. Supdt of Post Offices
Cachar Dn. Silchar- 788001



केन्द्रीय नियायिक विभाग
Central Administrative Tribunal
भृगु नगर, नियायिक विभाग
10 JUL 2013
मुख्य नियायिक विभाग
मुख्य नियायिक विभाग
मुख्य नियायिक विभाग

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 394 OF 2002

Shri Dhanjit Bayan

..... Applicant.

Union of India & Ors.

..... Respondents.

- And -

In the matter of E

Written Statements submitted by
the respondents.

The respondents beg to submit a brief history of the case which may be treated as a part of the written statement.

(BRIEF HISTORY OF THE CASE)

Shri Upendra Nath Bayan was an employee of the Department of Posts, India and was working as Group 'D' at Rehabari Sub Post Office while he was expired on 1.6.99.

Shri Dhanjit Bayan is the son of Late Upendra -
Nath Bayan applied for the appointment on compassionate ground
due to his father's death in a plain paper. On receipt of
the application from him, the case was taken up for process

John Lawer
Sr. Superintendent of Post Offices
Geywahati Division, Geywahati - 781 001

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S. K. Kaner
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati : 781 001

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and accordingly a set of Synopsis and other forms etc was sent to the applicant through the Supdt. of Post Office, Nalbari-Barpeta Division, Nalbari. Though the synopsis and other forms could be got filled in and obtained documents and got verified there but process for placing of the case before the Circle Selection Committee has not yet be completed though efforts made.

PARAWISE COMMENTS :

1. That with regard to the statement made in para 1(i) and (ii) of the application the respondents beg to state that the father of the applicant was an employee of the Department of Posts, India and was working as Group 'D' in Rehabari PO who expired on 1.6.1999. After expiry of his father, the applicant applied in a plain paper for the appointment on compassionate ground on 28.8.2000.

Since the applicant resides at his permanent address in the district of Barpeta, Assam necessary (Synopsis) prescribed application forms etc were sent to the Supdt. of Post Offices, Nalbari-Barpeta Postal Division, Nalbari to get the application forms (Synopsis) etc filled in by the applicant and to obtain necessary documents required to be examined in such case and to make necessary verification etc.

The synopsis were submitted by the applicant but some other documents/declaration are yet to be obtained though efforts were made to complete the process early.

2. That with regard to para 2, 3, 4.1 and 4.2, of the application the respondents beg to offer no comments.

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3. That with regard to the statement made in para 4.3, of the application the respondents beg to state that the process in order to place the case of the applicant before the Circle Selection Committee.

4. That with regard to the statement made in para 4.4, of the application the respondents beg to state that action, if any, towards appointment of the applicant to any post can only be considered on compassionate ground only after the receipt of recommendation from the Circle Selection Committee.

5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the case of compassionate appointment of the applicant is still under process on the analogy of the scheme.

6. That with regard to the statement made in para 4.6, of the application the respondents beg to state that, the candidates who were approved earlier for appointment on compassionate ground and who were kept in waiting list due to non-availability of vacancy were offered GDS post to mitigate their hardships as per the guidelines and policy framed by the Department and the Ministry concerned. In pursuance of the existing orders, the SSPoS, Silchar appointed a few wait listed candidates in the GDS post on their acceptance vide his order No. B1/Rectt/Relax/Misc dated 11.6.2002. The applicant was not an approved and wait listed candidate and so the applicant has no locus standi to claim for a departmental post at the same time. In case vacancy becomes available in the departmental post the case of the applicant will be considered.

7. That with regard to the statement made in para 4.7, of the application the respondents beg to state that denial of justice from the respondents does not arise at this stage.

8. That with regard to the statement made in para 4.8, of the application the respondents beg to offer no comments.

9. That with regard to the statement made in para 5.1, of the application the respondents beg to state that no illegal action has been taken in the case. The allegation of the applicant is not true.

10. That with regard to the statement made in para 5.2, of the application the respondents beg to state that the action, if any, taken only to absorb the candidates already approved by the Circle Selection Committee on compassionate ground and kept in the waiting list prior to 14.8.2001. Thus, there was no action from the respondents in violation of the Article 14, 16 and 21 of the Constitution of India.

Since the applicant applied for appointment in a departmental post on compassionate ground and the same being under process, he cannot equate himself with those wait listed candidates approved earlier and claim for a GDS post. In case vacancy arises as per norms his case will be considered.

11. That with regard to the statement made in para 5.3, of the application the respondents beg to state that deny the allegation of the applicant brought in this para of the O.A.

Sonu Kumar
Sr. Superintendent of Post Office
Guwahati Division, Guwahati - 781 001

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John Banerji
Sr. Superintendent of Post Office
Guwahati Division, Guwahati - 781 0

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12. That with regard to the statement made in para 5.4, of the application the respondents beg to state that is under the purview of the Circle Selection Committee and the Union of India to decide whether the applicant is entitled or not to get appointment on compassionate ground under the scheme.

13. That with regard to para 6, 7 and 8 of the application the respondents beg to offer no comments.

14. That with regard to the statement made in para 8.1, and 8.2, of the application the respondents beg to state that the appointment of the applicant to any post depends upon the recommendation/decision of the Selection Committee/Union of India.

15. That with regard to para 8.3, 8.4 and 9, of the application the respondents beg to offer no comments.

Verification.....

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VERIFICATION

I, Shri Som KAMEI , presently working as Sr. Supdt. of Post offices, Ghy , being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 15 are true to my knowledge and belief and those made in para being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this th day of June 2003 at Guwahati.

Som Kamei

Deponent.

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : AT GUWAHATI**

O.A No. 394/2002

Filed by
of A
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Shri Dhanjit Bayan

....Petitioner

-vs-

Union of India & others

....Respondents

(Affidavit -in- reply filed by the applicant)

I, Shri Dhanjit Bayan, son of Late Upendra Nath Bayan, aged about 27 years, at present residing at Village and P.O. Bhawanipur, District - Barpeta, Assam, do hereby solemnly affirm and state as follows:

1. That the copy of the written statements (hereinafter referred to as the "W.S.") by the respondents has been served on me through my advocate. I have gone through the same and understood the contents thereof.

2. That with regard to the statements made in para 1 of the W.S., this deponent states that as admitted by the respondents, he submitted his claims and his bio-data with all other relevant documents/ declarations. The respondents did not further communicate the need

for any other document/ declaration etc. to him as stated in the W.S. So, the statements made in this para are misleading and a clear attempt to deprive this deponent of his legitimate claim to get appointment on compassionate ground after the death of his father.

3. That with regard to the statements made in **para 2 and 3** of the W.S., this deponent states that the respondents have adopted a delaying tactic to postpone appointing him and thereby also referring the matter to the Circle Selection Committee
4. That with regard to the statements made in **para 4** of the W.S., this deponent states that the plea taken by the respondents is baseless. The recommendation to the Circle Selection Committee for appointment on compassionate ground is an internal matter where this deponent has nothing to do. The Circle Selection Committee has no discretionary power in this regard but to go by the Scheme only. Hence, the respondents are duty bound in law either to consider the case of this deponent or to let him know about their decision.
5. That with regard to the statements made in **para 5** of the W.S., this deponent states that the respondents have not mentioned anything about the period of time required to process the appointment on compassionate ground. As per policy of the Scheme, such appointment should be made at the earliest so that the family of the deceased does not suffer for the sudden death of the earning member. But in case of this deponent, the respondents have taken an unusually long period of four (4) years since 1.6.1999 (the date of death of his father) till date.
6. That with regard to the statements made in **para 6** of the W.S., this deponent states that the respondents have already appointed a number of persons on compassionate ground as they have admitted themselves in this para. However, the case of the deponent is yet to be considered by the respondents. The respondents have not even

wait-listed his name for appointment. Since the death of his father, this deponent has only got verbal assurance from the respondents that his case would be considered for compassionate appointment. But in practice, the respondents have done nothing. As a result, this deponent and his family members are experiencing great financial difficulties and they are now on the verge of starvation and destitution.

7. That with regard to the statements made in **para 7, 8 and 9** of the W.S., this deponent denies the correctness of these statements and states that these have no relevance with his legitimate claim to be appointed on compassionate ground. In this regard, this deponent also states that he had a legitimate expectation for appointment on compassionate ground and now the respondents are now estopped from withdrawing their promises.
8. That with regard to the statements made in **para 10** of the W.S., this deponent points out that the respondents agree that they have already appointed some candidates on compassionate ground other than this deponent whose names have been approved by the Circle Selection Committee prior to 14.8.2001. But the name of this deponent is neither wait-listed nor considered for appointment though his father died in harness way back in the year 1999 (1.6.1999). It is gathered that the respondents have already considered cases subsequent than that of this deponent for appointment thereby ignoring the genuine and legitimate case of this deponent. This deponent also begs to state that he cannot be blamed for any delay caused by the respondents. Rather, it is the respondents who have made the family of this deponent suffer for many years by not appointing him on compassionate ground.

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9. That with regard to the statements made in **para 11** of the W.S., this deponent reasserts and reiterates the statements made in the 'Original Application' and in this affidavit.
10. That with regard to the statements made in **para 12, 13, 14** and **15** of the W.S., this deponent states that the respondents have totally neglected his matter and have delayed the whole matter inordinately without any reason, thus putting the family of this deponent in extreme penury.
14. That the statements made in paragraph 1 to 14 are true to my knowledge and belief, those made in paragraph 15 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

Deponent

Identified by me

Dhanjit Bayan.

J. S. Dab
Advocate

Solemnly affirmed and signed by the deponent, who is identified by Shri , Advocate, on this th day of August, 2003 at Guwahati.

Magistrate/Advocate