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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 260/2002

R.A/C.P No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 260/03

Mise Petition No: _____

Contempt Petition No: _____
B.C. No. _____

Review application No: _____

Applicants: - Gautam Dal

Respondants: u.c. I tons

Advocate for the Appellants:- G. N. Chakrabarty, S. Nath, S. Chaudhury

Advocate for the Respondants: Mr. S. R. Chandy, Adv. C. A. J.

Notes of the Registry	Date	Order of the Tribunal
Application is in form but not in time Constitution Petition is filed / filed in C.P. for Rs. 500 deposited vide IPO B3 No. 99704655. Dated 11-11-03	18.12.2003	Heard Mr. M. Chanda, learned counsel for the applicant. The application is admitted. Call for the records. Issue notice to the respondents. List on 27.1.2004 for orders.
<i>By. Registrar</i> <i>BS</i> 18/11/03	mb	<i>ICV Pashadam</i> Member (A)
Steps taken.	16.2.2004	List the matter on 18.3.2004 for order.
<i>PPD</i>	bb	<i>ICV Pashadam</i> Member
Issue notice to the respondents as per court's order dated 18/12/03.	18.3.2004	List on 23.4.2004 for orders.
<i>BS</i> 18/12/03	mb	<i>ICV Pashadam</i> Member (A)
Order and notice Sent to D/Section for issuing to respondents No - 1 to 3. Vide memo No. 2467 to 2469 24/12/03. dated 26-12-03		

23.3.2004

List on 23.4.2004 for orders.

22.4.04

no w/f filed.

b.

mb

KV Prahadan
Member (A)

23.4.2004

On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement. List on 24.5.2004 for written statement.

5.5.04

W/S filed
by the Respondent.

mb

KV Prahadan
Member (A)

24.5.2004

Written statement has been filed.
List on 25.6.2004 for hearing.

Abu

List next division

Bench when is available, mb

Nath
23/7/04*KV Prahadan*
Member (A)

23.9.2004 Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

The Hon'ble Mr.K.V.Prahadan
Member (A).

Heard Mr.S.Nath, learned counsel for the applicant.

The stand of the respondents is that the application for compassionate appointed was forwarded to the Circle Selection Committee and it requires approval of the Chief post Master General, Assam Circle, Guwahati. It appears that the application for compassionate appointment has not been disposed of so far.

Learned counsel for the applicant seeks leave to implead the Chief post Master General, Assam Circle, Guwahati as party respondents.

R

Contd.

3

Notes of the Registry	Date	Order of the Tribunal
	Contd.	
	23.09.2004	In view of the stand taken by the respondents, leave to join the Chief Post Master General, Assam Circle, Guwahati is granted. Necessary amendment to the application shall be made by the learned counsel for the applicant within two weeks from today. Once the necessary amendment is carried out, notice be issued to the C.P. M.G., Assam Circle, Guwahati, returnable on 29.11.2004.
As per order dt. 23/09/04. Notice sent to D/Section for issuing to resp. No. 4. 11/10/04.	bb 14.12.04. 1m. 25.1.2005	<p><i>K. V. Prahledan</i> Member (A)</p> <p><i>R</i> Vice-Chairman</p> <p>Let the cases be listed for hearing on 25th January, 2005, being division Bench matter.</p> <p><i>R</i> Vice-Chairman</p> <p>List before the next Division Bench.</p> <p><i>K. V. Prahledan</i> Member (A)</p> <p>present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman The Hon'ble Mr. K. V. Prahledan, Member (A)</p> <p>Heard learned counsel for the parties Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The O.A. is disposed of in terms of the order.</p> <p><i>Q. B. S. S.</i> Vice-Chairman</p>
Copy of the order has been sent to the officer for issuing the same to the applicant by Post.	bb 17/3/05	<p><i>K. V. Prahledan</i> Member</p> <p><i>Q. B. S. S.</i> Vice-Chairman</p>

26-5-05

① COPY OF THE ORDER / ADVICE
SERVED ON THE COUNSEL OF
RESPONDENT MR. A.K. CHAUDHURI, A.C.S.C.

② NO COMPLIANCE REPORT FILED.

25.5.2005 On the plea of Mr. A.K. Chaudhury,

Addl. C.G.S.C four weeks time is
allowed to the respondents to file
written statement. List on 24.6.2005

K. K. Deo
Member

bb

7.6.05

May kindly be seen
at flag 'A'.

This is a compliance
report of A.P.M.G (Staff)
O/o the Chief P.M.G, Guwahati
regarding the order dated
11.3.05 in O.A 260/03
passed by this Hon'ble Comt.

Report before the
Hon'ble Comt for information.

24.6.2005

This case came up for compliance
report. Mr. A.K. Chaudhuri, learned
Addl. C.G.S.C. for the respondents
has placed before me a communica-
tion dated 24.5.2005 passed by the
A.P.M.G (Staff) office of the Chief
Postmaster General, Guwahati-1.
Mr. M. Chanda, learned counsel for
the applicant submits that he has
no instructions from his client.
Since the direction issued by this
Tribunal has been complied with,
the O.A. is closed.

9
Vice-Chairman

(Ani)

fw 80 (2)

mlb

(Ani)

① written statement
has been filed.

② Compliance report
has been filed.

27.6.05
23.6.05
R.A.C. 29/6

27.6.05
copy of the order dated
26.6.05 is handed over to the
L/Advocates for the parties
J. K. Deo
68

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CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No.260 of 2003.

DATE OF DECISION 11.03.2005

Shri Gautam Das

APPLICANT(S)

Mr. M.Chanda

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

The Union of India & Ors.

RESPONDENT (S)

Mr. A.K.Chaudhuri, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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.

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 260 of 2003.

Date of Order: This, the 11th Day of March, 2005.

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Gautam Das
Son of Late Upananda Das
Village Harinabasti
P.O: Didarkush
District: Cachar
Assam. Applicant.

By Advocates S/Shri M. Chanda, G. N. Chakraborty, S. Nath & S. Choudhury.

- Versus -

1. The Union of India
Represented by the Secretary to the
Government of India
Ministry of Communications
Department of Posts
New Delhi.
2. The Senior Superintendent of Post Offices
Cachar Division
Silchar, Assam
PIN 788 001.
3. The Senior Post Master
Silchar Head Post Office
Silchar - 788 001
Dist: Cachar
Assam.
4. The Chief Post Master General
Assam Circle, Guwahati
Meghdoott Bhawan
Guwahati-1. Respondents.

By Mr. A. K. Chaudhuri, Addl. C.G.S.C.

ORDER (ORAL)

SIVARAJAN, J.(V.C.) :

The father of the petitioner died on 29.1.2000 while he was under employment under the respondents department as Branch Post Master (BPM) in the district of Cachar, Assam. The respondents advertised the vacancy, which arose on account of death of the petitioner's father and invited application for filling up the said post. On 4.4.2000 the petitioner submitted application for his appointment in the said post on compassionate ground under the Die-in-harness scheme. This was followed by another representation dated 20.8.2000. But the petitioner had not so far been appointed in the said post. In the circumstances, the petitioner had filed this application.

2. The Respondents have filed their written statement in the case in April, 2004. It is stated therein that the petitioner is the eldest son of the deceased employee and he applied for appointment in the post on compassionate ground though he was not matriculate. As per departmental norms, qualification for the post of GDS BPM is matriculation or equivalent examination. Accordingly, his application for compassionate appointment was forwarded to the Postmaster General, Assam Circle, Guwahati on 27.10.2000 with recommendation for any ED post except the post of BPM and that time there was no vacant post available except the post of BPM. It is further stated that his application for compassionate appointment is still under consideration of the authority. It is further stated that the selection of compassionate appointment is based on recommendation of the Circle Selection Committee Guwahati and this fact was intimated to the applicant on 7.10.2003. It is also stated that the petitioner worked as nominee time to time against the leave vacancy of his father, but these are not the criteria for compassionate appointment. It is again stated in Paragraph 9 of the written statement that on the basis of Circle Selection Committee and approval of the Chief Postmaster General, Assam Circle, Guwahati some compassionate

9/pt

appointments have been made and the Sr. Superintendent is not the authority to select/approve the candidate for selection for compassionate appointment and no application is lying pending before the respondents. Finally it is stated that since the petitioner's application for compassionate appointment is under consideration by the authority, there is no provision to appoint him in any post even on temporary basis.

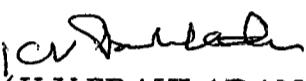
3. We have heard Mr. S. Nath, learned counsel for the petitioner and also Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Admittedly, the petitioner's father died as early as on 29.1.2000. The purpose of giving compassionate appointment to the dependent under the Die-in-harness scheme is by way of immediate relief to the family of the deceased. In this case the petitioner had submitted application for compassionate appointment as early as on 4.4.2000. It is unfortunate that the said application is kept pending till date. True the petitioner was not matriculate, consequently he is not entitled to any clerical post. That is why the 2nd respondent suggested that the petitioner must be appointed to some other ED post except the post of BPM. When such recommendation was made by the 2nd respondent to the additional 4th respondent impleaded, certainly it was for the respondents to consider the matter taking into account the very scheme itself and to provide appointment to the petitioner. Of course, the reason for not providing employment may be there is no sufficient vacant post of ED. We find that the 2nd respondent in its written statement has stated that some other ^{like do} appointments were made earlier on compassionate ground. We will not wish to say anything more in this matter and we are of the view that the application can be disposed of with the following directions:-

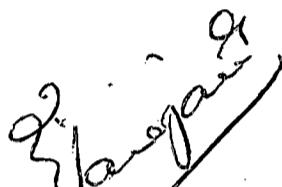
Since the 2nd respondent stated that the petitioner's application for compassionate appointment is pending before the 4th

YPS/

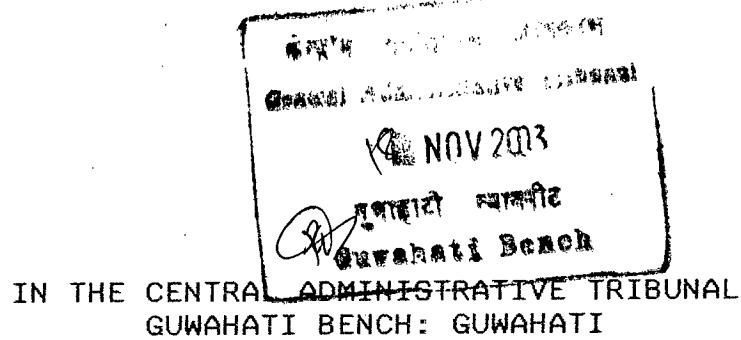
respondent since 2000, we direct the 4th respondent to take urgent step in the matter and to take a decision as contemplated under the Rules within a period of two months from the date of receipt of copy of this order.

4. The application is disposed of as above. The learned Addl. C.G.S.C. will forward a copy of this order to the concerned respondents for compliance. Post for compliance report on 25.5.2005.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE CHAIRMAN

bb



O.A. No. 260 /2003

Sri Gautam Das

-vs-

Union of India & Ors.

DATES AND SYNOPSIS OF THE CASE IN THIS APPLICATION

<u>Dates</u>	<u>Synopsis of the Case.</u>
29.01.2000	The father of the applicant died while he was under employment under the respondent department as Branch Postmaster at Didarkush Branch Post Office in the district of Cachar, Assam.
08.03.2000	The respondents advertised the resultant vacant post aforesaid, inviting applications for appointment to the post of Branch Postmaster, Didarkush Branch Post office, Cachar.
4.4.2000	The applicant submitted application for his appointment in the said post on compassionate ground under the Die-in-harness scheme framed by the Government.
20.08.2000	Having persuaded the matter time and again, the applicant submitted another application on 20.8.2000 praying for his appointment on compassionate ground. The applicant was given all hopes for a sympathetic consideration of his case but nothing positive came, although

compassionate appointments were given to many other similarly situated persons. The applicant kept on persuading his prayer but with not result.

20.09.2003 Applicant having failed to get justice; submitted another representation on 20.9.2003 reiterating his prayer, but with no response.

Hence this application before the Hon'ble Tribunal.

PRAYERS

- 8.1 That the respondents be directed to appoint the applicant on compassionate ground under Die-in-harness scheme in a regular Group 'D' post.
- 8.2 Costs of the application.
- 8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Filed by The Applicant
Through *Surajit Choudhury*
on 13.11.03

Title of the case : O. A. No. 2003

Sri Gautam Das : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Surajit Choudhury
Advocate

Date 13.11.2003

Gautam Das

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

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O. A. No. 260 /2003

BETWEEN

Sri Gautam Das
Son of Late Upananda Das
Village Harinabasti
P.O. Didarkush
District-Cachar
Assam

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Communications,
Department of Posts,
New Delhi.
2. The Senior Superintendent of Post Offices,
Cachar Division
Silchar, Assam
PIN 788-001
3. The Senior Post Master,
Silchar Head Post Office
Silchar-788001
Dist. Cachar
Assam

...Respondents.

* 4. The chief postmaster
general, ASSAM circle,
Guwahati, Meghdoot
Bhawan, Guwahati-1.

(As per order dt. 23/9/04 passed
in O.A. 260/03).

Gautam Das

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made not against any particular order but against non-consideration of compassionate appointment of the applicant in a suitable post under the Die-in-harness scheme framed by the Government since the father of the applicant died while he was in employment under the respondents.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Gautam Das

4.2 That your applicant begs to state that his father Late Upananda Das who was serving as Branch Post Master (BPM) at Didarkush Post Office in the district of Cachar, Assam died on 29.01.2000 while he was in service. Following his father's death, the applicant along with all the members of his family got plunged into a distressing condition and there was no bread-earner for the family.

4.3 That immediately after the death of his father, the applicant approached the respondents praying for his employment to the post of Extra departmental Branch Post Master (EDBP) at Didarkush on compassionate ground. The respondents gave him all hopes that his case would be considered with utmost sympathy but nothing positive came up.

4.4 That the respondents vide their Notice issued under No. A-383/PF dated 8.3.2000 advertised for appointment to the vacant post of EDBP, Didarkush. This applicant submitted his application on 4.4.2000 for his appointment on compassionate ground but his application was not entertained on the ground that the applicant was not a matriculate although the applicant informed that he had already appeared in HSLC Examination (Repeaters) held in December '99, the result of which remains to be declared.

Copy of Notice dated 8.3.2000 is annexed hereto as
Annexure-I.

Gautam Das

4.5 That the applicant thereafter submitted another application on 20.8.2000 and persuaded the matter time and again praying for his appointment on compassionate ground under the Die-in-harness scheme frame by the Government. Having found no response, the applicant submitted another representation on 20.9.2003 with the same prayer for his appointment in a regular Group 'D' post and further offering to serve as GDS also on temporary basis but with no result whatsoever.

Copy of representations dated 20.8.2000 and dated 20.9.2003 are annexed hereto as **Annexure-II and III respectively.**

4.6 That the applicant most respectfully begs to state that he was appointed as Branch Post Master at Didarkush Branch Post Office on temporary basis on several occasions when his late father used to be on leave during his employment. The applicant thus served as BPM in different spells as detailed below :-

<u>Period of Service as B.P.M.</u>	<u>No. of days served</u>
18.02.98 to 18.04.98	60
01.05.98 to 29.07.98	90
30.07.98 to 19.08.98	21
01.05.99 to 29.06.99	60
20.11.99 to 17.02.00	90

Gautam das

Further, the applicant was also appointed to serve as Peon in the said Branch Post Office for sometime. In all the cases, the applicant served to the full satisfaction of his superior officers.

Copies of appointment letters pertaining to his appointments stated above are annexed hereto as Annexure-IV series.

4.7 That the applicant begs to submit that during this period, large number of compassionate appointments have been made to the post of GDS by the respondents but the case of the applicant has not been considered although his applications are lying pending before the respondents for long time. It is stated that even now there are posts lying vacant and there is not impediments for the respondents for considering the case of the applicant.

4.8 That the applicant begs to state that he has failed to manage a job in spite of his best efforts and is unemployed over these years which has thrown the entire family in a disastrous and wretched condition. Due to non consideration of his case for a suitable employment on compassionate ground under the Die-in-harness scheme framed by the Government, the applicant is in a helpless situation and is not in a position to support his family. As such finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his rights and interests and it is a fit

Gautam das

case for the Hon'ble tribunal for protection of his rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant.

4.9 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant's father died, while he was in employment under the respondents.

5.2 For that, the applicant is entitled to an appointment on compassionate ground under the Die-in-harness scheme framed by the Government.

5.3 For that, the applicant has served on temporary basis in the post of Branch Postmaster at Didarkush Branch post office in several spells during the leave of his late father and as such has acquired a valuable right for appointment on compassionate ground.

5.4 For that, the applicant is unemployed and is being deprived of his right to live guaranteed by the constitution.

5.5 For that, large number of appointments have been made by the respondents without considering the applications/prayers lying pending before them which is

Gautam Ds

violative of Article 14 and 16 of the Constitution and of the principles of natural justice.

5.6 For that, the applicant made repeated prayers and submitted applications to the respondents praying for a compassionate appointment but with no result.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application. Prayers and representations made by the applicant before the respondents could not fetch any result.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the

Gautam das

case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the respondents be directed to appoint the applicant on compassionate ground under Die-in-harness scheme in a regular Group 'D' post.
- 8.2 Costs of the application.
- 8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents to appoint the applicant as GDS on temporary basis immediately till such time he is appointed in a regular Group 'D' post.

10.

This application is filed through Advocates.

Gautam Das

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11. Particulars of the I.P.O.

- i) I. P. O. No. : 96704655
- ii) Date of Issue : 11.11.03
- iii) Issued from : GPO, Guwahati
- iv) Payable at : GPO, Guwahati

12. List of enclosures.

As given in the index.

Gautamdas

VERIFICATION

I, Sri Gautam Das, Son of Late Upananda Das, resident of village Harinabasti, P.O. Didarkush, District Cachar, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 13th day of November, 2003.

Gautam Das

ANNEXURE-I

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SR. BUDT. OF POST OFFICES, CACHAR DN: SILCHAR-788001

NU. A - 383 / PF

NOTICE

The post of Extra Departmental Branch Postmaster, Dindigul in the P.O. EDBO has fallen vacant in the scale of Rs. 1280/- Other allowances, on andmissible.

Applications are invited from the local willing candidates. Interested candidates must get their names sponsored through nearest Employment Exchange. Application in enclosed form must reach this office within one(1) month of issue of this notice i.e. 31-12-2007. Applicant must fulfil the following condition.

- a) Applicant must be permanent residents of the villages where the P.O is located.
- b) The applicant must have adequate means of income from an independent source of livelihood (particulars of other independent source of income should be mentioned).
- c) The applicant should be able to offer suitable accommodation for the Post Office at his own cost.
- d) The minimum qualification is to be HSLC passed.
- e) The candidate should not be less than 18 years of age on 1st July and not more than 65 years on that date.

say =

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

Copy To:-

1. The ASPOS/SDIFPOs ... for information, circulation and directing the candidates to submit application through the Employment Exchange of his area.
2. The BPM ... He should having it in the office notice board and direct the candidate to forward their applications through the Employment Exchange.
3. The President ... G.P for directing the eligible candidates to apply through employment Exchange.

Encle:- (1) One.

④ Supplemental tables

Sr. Supdt of Post Offices
Dadar Dn. Sionchar-788001

5) Malice Bona fide

~~Attested
before me
an Advocate
on 13/11/03~~

From

Gautam Das

Son of Late Upananda Das (Ex. B.P.M., Didarkush)
Village - Marinabasti, Dist. Cachar, Assam
P.O. Didarkush, P.S. Sonai, District-Cachar
District-Cachar
Assam

To
The Superintendent of Post Offices
Cachar Division,
Silchar, Assam
PIN 788001

Sub : Prayer for appointment to the post of Extra-
Departmental Branch Postmaster, Didarkush Basti
Branch Office.

Respected Sir,
I am the son of late Upananda Das Ex. B.P.M., Didarkush

Most humbly and respectfully I beg to state that
I am the son of late Upananda Das Ex. B.P.M., Didarkush
P.O. Didarkush, P.S. Sonai, District-Cachar. My father
was expired while in service on 29.1.2000 at Didarkush
Basti, Village Marinabasti. In this connection it is
relevant to mention here that the undersigned was
provisionally appointed as officiating Branch Postmaster
at the Post Office Didarkush whenever late Upananda Das,
Ex. B.P.M. availed leave while in service, which would
be evident from the letter issued under Memo No. A-383/PF
dated 23.2.98 for 60 days, Memo No. A-383/PF dated 19.5.98
for 90 days, Memo No. 4-383/BF dated 10.8.98 for 21 days
with effect from 30.7.98 to 19.8.98, Memo No. A-383/PF
dated 8.6.99 for 60 days with effect from 1.5.99 to 29.6.
99 and Memo No. A-383/PF dated 7.12.99 for 90 days with
effect from 20.11.99 to 17.2.99. It is stated that I have
discharged my duties with full satisfaction to all concerned
whenever appointed as officiating basis as B.P.M. Presently
I have been appointed as Peon temporarily and my service
is also be terminated at any point of time, therefore I
request to consider my appointment on regular basis to the
post of Branch Post Master at Didarkush Post Office. I
beg to state that I have also applied for the post of
Branch Post Master at Didarkush and the said application
was submitted by me to you on 4.4.2000 but you have refused
to accept the same on the ground that the undersigned is
not a matriculate. Although I have informed you that I have

Adested
Bellif
Advocate
on 13/11/03

Contd...

-2-

already appeared the H.S.L.C. Exam (Repeaters) which was held on December 1999 and result of the said Examination likely to be declared on April 2000. Therefore my case may be considered for appointment to the post of B.P.M., Didarkush Post Office in the existing vacancy which occurred due to death of my father while he was in service on compassionate ground. I am also entitled to consider the appointment to the said post of B.P.M. on compassionate ground on priority basis.

In the view of the factual position you are requested to consider my appointment on priority basis on compassionate ground to the existing vacant post of B.P.M. at Didarkush Basti Branch Office.

Thanking you,

Date : 20/8/2000

Yours faithfully,

(GAUTAM DAS)
Son of late Upananda Das (Ex.BPM)
Vill. Harinabasti,
P.O. Didarkush
Dist. Cachar.

From

Sri Gautam Das
Son of Late Upananda Das
(Ex-Branch Post Master, Didarkush)
Vill. Harinabasti
P.O. Didarkush
District-Cachar,
Assam

To

The Superintendent of Post Offices
Cachar Division
Silchar, Assam
PIN788 001

Sub : Prayer for compassionate appointment.

Respected Sir,

Most humbly and respectfully I beg to lay the following few line before you for your kind and sympathetic considerations.

1. That Sir, my father Late Upananda Das, Ex-Branch Post Master, Didarkush, P.O. Didarkush, District Cachar, assam died on 29.1.2000 at Didarkush Basti while he was in service under you.
2. That Sir, following the death of my father, our family got plunged into a distressing condition all on a sudden and I approached your honour for appointing me to the post of Extra departmental Branch Post Master (EDBP) at Didarkush on compassionate ground.
3. That Sir, you had been kind enough to give me hopes that my case would be considered with utmost compassion and since then I have been approaching you time and again for an appointment and I submitted representation also to your honour for the said purpose but unfortunately my case has not been considered as yet.
4. That Sir, it is relevant to mention here that I was appointed to work as officiating Branch Post Master at Didarkush Post Office several times in different spells whenever my late father used to avail leave while he was in service I also worked as Peon on Temporary basis at Didarkush Post Office

*Admitted
by
Advocate
on 13/11/03*

and in all the occasions, I discharged my duties to the full satisfaction of my superiors.

5. That Sir, as per the rules I am entitled to get an appointment on compassionate ground which I have been striving for, since long and I approached your honour praying for a compassionate appointment.
6. That Sir, I am out of employment since long and have been facing extreme distressing condition and I earnestly pray to your honour to save our family from such a distressing condition.
7. That Sir, you have been kind enough to appointment may other persons who are similarly situated and I hope to get similar justice from your honour. I also understand that there are vacant posts even till now under your kind control where you can kindly accommodate me in a group 'D' post on regular basis.
8. That Sir, I am also prepared to work as GDS for the time being till I can be appointed in a regular Group 'D' post in order to save myself and over family from such a disastrous situation.

Under the circumstances stated above, I would pray your good office kindly to consider my case with utmost sympathy and appoint me in a regular Group 'D' post on compassionate ground and further I may kindly be appointed as GDS on temporary basis within the earliest till such time you appointment me in a Group 'D' post on regular basis and for this act of your kindness I shall remain ever grateful you.

Yours faithfully,

Date : 20/9/2003

(GAUTAM DAS)

DEPARTMENT OF POST, INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memo No. A - 383/1/PF

Dated at Silchar the 7/12/03

Shri/Smt. D.... P.... PPN. B.... B....
account with M.... S.... S.O under Silchar H.O/
Karimganj H.O is permitted to proceed on leave without allowances
for days with effect from to
....

The appointment of Shri/Smt.
as his/her substitute is approved on the clear understanding
that the substitute may be discharged by the appointing authority
at any time without assigning any reason.

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

Copy To:-

1. Shri/Smt.
He is informed that if (1) this spell of leave granted
extended and thereby exceeds 180 days or (2) if during
12 months the leave taken in different spells exceeds
180 days, he/she will be removed from service according
to Rule 5 of P&T Bd Agents (Conduct & Service) Rules
1964.
2. Shri/Smt.
3. The Sr. Postmaster, Silchar H.O/Postmaster, Karimganj/
Hailakandi H.O.
4. The SDIPOS, Sub-Dn.

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

*A. Basak
Advocate
on 13/11/03*

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GOVT. OF INDIA
DEPARTMENT OF POST
OFFICE OF THE SRSUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001:

Mem. No. A-383/PF

23/2/98

Dtd. Silchar-788001 the.....

Shri/Smt. Upendar Das BPM, Didarkash Basu
in account with Matiragar S.O. under Silchar H.O. (Karinganj H.O.)
is permitted to proceed on leave without allpance for 180 days
days with effect from 18/2/98 to 18/6/98

The appointment of Sri/Smt. Gautam Das
of his/her substitute is approved on the clear understanding that the
substitute may be discharged by the appointing authority at any time
without assigning any reason.

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

Copy to:-
1. Shri/Smt. Upendar Das BPM, Didarkash Basu

He is informed that if (1) this spell of leave granted extended and
thereby exceeds 180 days or (2) if during 12 months the leave taken in
different spells exceeds 180 days, he/she will be removed from service
according to Rule 5 of P&T ED Agents (Conduct & SERVICE) Rules 1964

2. Shri/Smt. Gautam Das offg. BPM, Didarkash Basu

3. The Sr. Postmaster, Silchar H.O./Postmaster, Karinganj H.O.

4. The SDIPOS, Sonth Sub Dn., Silchar.

Attn: K. C. D. P. 10/1/98

J.P.
Sr. Supdt. of Post Offices,
Cachar Dn., Silchar-788001.

DEPARTMENT OF POST : INDIA
OFFICE OF THE DISTRICT POST OFFICER, CACHAR D.N. SILECHAR-788001

Memo No. A. 3/11 Dtd. Silchar-788001 the.....
11/11/68

Shri/Smt. [REDACTED] D.O. [REDACTED] B.P.M. Dikukhkhola Bank
account with [REDACTED] S.O. under Silchar H.O/
Karimganj H.O is permitted to proceed on leave without allowances
for [REDACTED] days with effect from [REDACTED] to
[REDACTED]

The appointment of Sri/Smt. [REDACTED] D.O. [REDACTED]
as his/her substitute is approved on the clear understanding
that the substitute may be discharged by the appointing authori-
ty at any time without assigning any reason.

Subj-
Sr. Supdt Of Post Offices
Cachar Dn. Silchar-788001

Copy To:

1. Shri/Smt. [REDACTED] D.O. [REDACTED] B.P.M. Dikukhkhola
He is informed that if (1) this spell of leave granted
extended and thereby exceeds 180 days or (2) if during
12 months the leave taken in different spells exceeds
180 days, he/she will be removed from service according
to Rule 5 of P&T RD Agents (Conduct & Service) Rules,
1964.
2. Shri/Smt. [REDACTED] D.O. [REDACTED] B.P.M. Dikukhkhola
3. The Sr. Postmaster, Silchar H.O/Postmaster, Karimganj
H.O. *Silchar*
4. The SDIPOS..... Sub-Dn.....

[Signature]
Sr. Supdt Of Post Offices
Cachar Dn. Silchar-788001

*Attested
Secty
Postmaster
12/11/68*

DEPARTMENT OF POST : INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES: CACHAR DN: SILCHAR-788001

Memo No. A-303/P.F. Dtd: Silchar-788001 the 8/6/79.

Shri/Smt. Parimala Devi P.T. Agent in
account with Postmaster S.O under Silchar H.O/
Karimganj H.O is permitted to proceed on leave without allowances
for 60 days with effect from 5/3/79 to
22/6/79.

The appointment of Sri/Smt. Gouri Dutt
as his/her substitute is approved on the clear understanding
that the substitute may be discharged by the appointing authori-
ty at any time without assigning any reason.

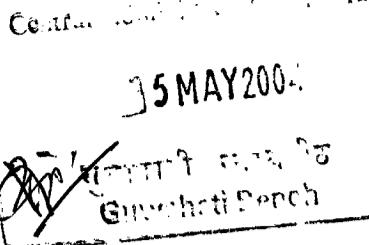
Sd/-
Sr. Supdt Of Post Offices
Cachar Dn. Silchar-788001

Copy To:-

1. Shri/Smt. Parimala Devi P.T. Agent
He is informed that if (1) this spell of leave granted
extended and thereby exceeds 180 days or (2) if during
12 months the leave taken in different spells exceeds
180 days, he/she will be removed from service according
to Rule 5 of P&T ED Agents (Conduct & Service) Rules,
1964.
2. Sri/Smt. Parimala Devi P.T. Agent
3. The Sr. Postmaster, Silchar H.O Postmaster, Karimganj
H.O
4. The SDIPOS Smt. Smith Sub-Dn. Silchar

Sd/-
Sr. Supdt Of Post Offices
Cachar Dn. Silchar-788001

Attn: Smt. Smith
13/6/79



Filed by 32
A.D.E.B. (C.C.)
Sr. C.C.
C.A.T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 260 OF 2003

Shri Gautam Das.

..... Applicant.
- Vs -

Union of India & ors.

..... Respondents.

In the matter of :

Written Statement 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)

1 (A). Late Upananda Das, father of Shri Gautam Das (applicant) was working as GDS BPM Didarkush Basti EDBO. He died while in service.

Shri Gautam Das, eldest son of the deceased applied for appointment in the post on compassionate ground. He was not Matriculate. As per departmental norms, qualification for the post of GDS BPM is Matriculation or equivalent examination. Accordingly his application for compassionate appointment was

Contd.....

forwarded to the Postmaster General, Assam Region, Guwahati on 27.10.2000 with recommendation for any ED Post except the post of BPM and at that time there was no vacant post available except the post of BPM.

PARAWISE COMMENTS :

1. That with regard to the statement made in para 1, of the application the respondents beg to state that the case of compassionate of the applicant has not been decided yet and still it is under consideration of the Authority and as such question of non-consideration does not arise.
2. That with regard to the statement made in para 2, of the application the respondents beg to state that the applicant was not an employee of the Department. He worked as a nominee of his father against the leave vacancy.
3. That with regard to para 4.1, of the application the respondents beg to offer no comments.
4. That with regard to the statement made in para 4.2, of the application the respondents beg to state that Late Upananda Das father of the applicant died on 29.01.2000 while in service.
5. That with regard to the statement made in para 4.3, of the application the respondents beg to state that application for compassionate appointment of the applicant was forwarded to Circle Authority to select the candidate for compassionate appointment. Selection of compassionate

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appointment is based on recommendation of the Circle Selection Committee Guwahati.

6. That with regard to the statement made in para 4.4, of the application the respondents beg to state that as per norms of the department advertisement for the post was made but the selection was not finalised.

7. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the applicant was informed by the respondent on 7.10.03 that his case was forwarded to Circle Office on 27.10.2000.

8. That with regard to the statement made in para 4.6, of the application the respondents beg to state that during the incumbency of his father, the applicant worked as nominee time to time against he leave vacancy with the responsibility of his father. But these are not the criteria for compassionate appointment.

9- That with regard to the statement made in para 4.7, of the application the respondents beg to state that on the basis of Circle Selection Committee and approval of the Chief Postmaster General, Assam Circle, Guwahati some compassionate appointments have been made. The Senior Supdt (Respondent No.2) is not the authority to select/approve the candidate for compassionate appointment and no application is lying pending with the respondent.

Contd.....

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10. That with regard to the statement made in para 4.8, of the application the respondents beg to state that there is no question of non-consideration of the case of compassionate appointment of the applicant as the case was duly considered, but as there was no vacancy he could not be appointed.

11. That with regard to the statement made in para 4.9, of the application the respondents beg to offer no comments.

12. That with regard to the statement made in paras 5.1 to 5.2, of the application the respondents beg to state that the department is not duty bound to give compassionate appointment each and every cases. Such employment to the dependent is given only in very hard and exceptional cases.

13. That with regard to para 5.3, of the application the respondents beg to state that as ~~xxx~~ same as para 4.6.

14. That with regard to para 5.4, of the application the respondents beg to offer no comments.

15. That with regard to para 5.5, of the application the respondents beg to state that discussed as same in para 4.7 .

16. That with regard to para 5.6, of the application the respondents beg to state that the allegation is not at all correct as discussed same in para 4.3.

17. That with regard to the statement made in para 6, of the application the respondents beg to state that the

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applicant did not prefer any appeal/petition to higher authority before filing the case to the Hon'ble Tribunal.

18. That with regard to the statement made in para 7, of the application the respondents beg to state that the applicant has gone to Hon'ble Tribunal before exhausting the departmental channel.

19. That with regard to the statement made in para 8, of the application the respondents beg to state that the applicant is not entitled to get any relief since he has gone to Hon'ble Tribunal before decision of the case and exhausting the departmental channel.

20. That with regard to the statement made in para 8.1, of the application the respondents beg to state that as per departmental norms there is no provision to appointment an outsider in a regular Group 'D' Post.

21. That with regard to paras 8.2 to 8.3, of the application the respondents beg to state that as discussed same in para 8.

22. That with regard to the statement made in para 9 to 9.1 of the application the respondents beg to state that since his application for compassionate appointment is under consideration by the appropriate authority there is no provision to appoint him in any post even on temporary basis.

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VERIFICATION

I, J.K.Barbhuiya, Senior Supdt. of Post Offices, Cachar Division, Silchar, Assam, being authorised do hereby solemnly affirm and declare that the statements made in paragraphs 1(A) to 22 are true to my knowledge and those made in paragraphs are true to my information and I have not suppressed any material fact.

And I sign this verification on this th day of April, 2004.

Jay Kishore Barbhuiya.

Declarant

वरिष्ठ दाक अधीक्षक
फायाड मंडल सिल्चर- 786001
Sr. Supdt. of Post Offices
Cachar Division Silchar-786001