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**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 292/2003

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**SECTION OFFICER (Judl.)**

*Khalita*  
21/11/17

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: - 292/03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Name of the Appellant(s): Md Nazimuddin Ahmed

Name of the Respondent(s): Wards.

Advocate for the Appellant: - Mr J. Hussain  
Mr J. N. Saikia

Advocate for the Respondent: -

CGSC.

Notes of the Registry	date	Order of the Tribunal
<p>This application is in form but not in time <u>Condonation</u> petition is filed on 23.12.2003 for Rs. 50/- deposited vide TPO/B/ No. TTB/387327 Dated 23.12.03.....</p> <p>1/23.12.2003</p>	<u>24.12.2003</u>	<p>Present: The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman The Hon'ble Mr. K. V. Prahладan, Member (A).</p> <p>Heard counsel for the parties.</p> <p>Order passed, kept in separate sheets.</p> <p>The application is disposed of at the admission stage in terms of the order.</p>
<p>Police min order copy of 24/12/2003 sent to Despatch Section for issuing the concerned parties.</p> <p>W.J. 30.12.03</p>	<u>bb</u>	<p>R. Pradhan Member</p>
<p>Received copy 19/1/04</p>		<p>B Vice-Chairman</p>

30.12.03

Copy of the Judgment  
alongwith the copy of  
the application have  
been sent to the Office  
for sending the same to  
the Respondent together  
with cost of the application  
and copy the same handed  
over to the L/Adv. Mr.  
M. A. Datta C.S.C.

St

COLLECTOR, MELKAMMA, 12/12/2003. 10000.00/-

1/2 of City of Mysore

Govt. of Mysore

and State Govt. 10,000/-

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. /~~XXXX~~ No. 1111 292 of 2003.

DATE OF DECISION 24.12.2003.

.....**Md. Nazimuddin Ahmed**.....APPLICANT(S).

.....**Mr. I. Hussain & Mr. S. H. Saikia**.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

.....**Union of India & Others.**.....RESPONDENT(S)

.....**Mr. A. K. Chaudhuri, Addl. C.G.S.C.**.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. JUSTICE B. PANIGRAHI, 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 ~~XXXX~~ Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.292 of 2003.

Date of Order : This, the 24th Day of December, 2003.

THE HON'BLE MR. JUSTICE B. PANIGRAHI, VICE CHAIRMAN.

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

Md. Nazimuddin Ahmed  
S/o Late Khasnur Ali  
Resident of Village &  
P.O: Moranjana  
Dist: Kamrup  
Assam.

..... Applicant.

By Advocates Mr. I. Hussain & Mr. H. Saikia.

- Versus -

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Communication  
Department of Posts  
New Delhi - 110 001.

2. The Chief Post Master General  
N.E.Circle  
Shillong - 793 001.

3. The Divisional Superintendent of Post Offices  
Guwahati Division  
Guwahati - 781 001.

..... Respondents.

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

O R D E R ( O R A L )

PANIGRAHI, J. (V.C.)

Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. who is present has been asked to appear on behalf of the respondents. Let a copy of the application be served by Mr. I. Hussain, learned counsel for the applicant to Mr. A. K. Chaudhuri, learned Addl. C.G.S.C. in course of the day.

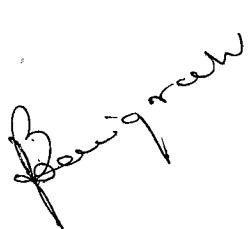
1. In this case a prayer has been made by the applicant for compassionate appointment since his father died while in service in a distressed condition on 5.2.2003 leaving the applicant as dependent alongwith mother and other family

Contd./2

members. The prayer for compassionate appointment has been made by virtue of the application dated 25.2.2003 vide Annexure-3 to the Divisional Superintendent of Post Offices, Guwahati Division, Guwahati which awaits final disposal. Accordingly, we hereby direct the respondent Nos.2 & 3 to consider the prayer made by the applicant for compassionate appointment in the light of the Rules, Circulars, Notifications and Orders passed by the Department from time to time within four months from the date of receipt of the order.

With the above directions the application is disposed of. The applicant is further directed to serve a copy of this application once again to the respondents by registered post.

  
( K.V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( B. PANIGRAHI )  
VICE CHAIRMAN

bb

X

<b>केन्द्रीय प्रशासनिक अधिकारी Central Administrative Tribunal</b>
<b>23<sup>rd</sup> DEC 2003</b>
<b>गुवाहाटी बैठकी</b>
<b>GAUHATI BENCH IN THE CENTRAL ADMINISTRATIVE TRIBUNAL</b>

GAUHATI BENCH - GUWAHATI.

ORIGINAL APPLICATION NO. 292 OF 2003.

Md. Nazimuddin Ahmed .... Applicant

-Vs-

The Union of India & Ors. .... Respondents

SYNOPSIS OF THE CASE

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~~SECRET~~

**1. LIST OF ENCLOSURES:**

1. Petition

2. Verification

3. Annexure-1

The Copy of the H. S. L. C. Pass  
Certificate.

4. Annexure No.-2

The Copy of the death Certificate dt.

5. 2. 2003

5. Annexure No. 3.

The copy of the representation dt. 25. 2. 2003

6. Annexure No. 4.

The copy of the abstract of the scheme for  
compassionate appointment.

7. Valalatnama

8. Notice.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH-GUWAHATI.

(An application under section 19 of the Central  
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 292 OF 2003.

Md. Nazimuddin Ahmed

... Applicant

-Vs-

The Union of India & Others.

... Respondents

PARTICULARS OF THE APPLICANT : Md. Nazimuddin Ahmed

S/o Late Khasnur Ali

Resident of

Village <sup>and</sup> P.O. Moranjana

District-Kamrup, Assam.

PARTICULARS OF THE RESPONDENTS: 1. The Union of India

Represented by the Secretary

to the Government of India

Ministry of Communication ,

Department of Posts,

New Delhi-110001.

2. The Chief post Master

General, N.E.Circle,

Shillong-793001.

3. The Divisional Superintendent

of Post Officers

Guwahati Division,

Guwahati-781001.

contd/-2

Filed by the applicant  
through  
Jewar Hussain Sarker  
Advocate  
23/12/03

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE:

This application is made with a prayer for a direction to the Respondents for appointing the applicant on compassionate ground whose father was died in harness on 05.02.03 while he was working as B.P.M(Post Master)in Moranjana post Office under Rangia Sub-Division.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the application is within the Jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The Applicant declares that the application is filed before this Hon'ble Tribunal within time limit prescribed under section 21 of the Administrative Tribunal Act,1985.

4. FACTS OF THE CASE:

4.1. That the applicant is a Citizen of India being a permanent resident of village and P.O.Mananjana in the District of Kamrup,Assam.

4.2. That the applicant passed H.S.L.C.Examination in the year 1988 thereafter could not proceed with further Higher Studites due to financial hardships and as such he was looking for an adequate job which he could not managed.

The copy of the H.S.L.C.pass certificate is being annexed herewith and marked as

Annexure No.1.

4.3. That the applicant states that his father late Khasnur Ali died in harness on 5.2.2003 while he was working as B.P.M(Post Master) in Maranjana post office under Rangia Sub-Division leaving behind the big family consisting of 5(five) sons and 2(two) unmarried daughters along with old ailing wife .There are no service holder in the family of the applicant.Being the eldermost son, the applicant has to bear all the responsibilities of maintaining the big poor family.

dt. 5.2.2003  
The Copy of the death certificate is being annexed herewith and marked as Annexure-2.

4.4. That the applicant stated that he applied before the authority on requisite from for his appointment on compassionate ground in the month of February,2003,i.e. after the demise of his father. Thereafter again on 25.2.03 the applicant filed a representation before the authority for consideration of his case for appointment on compassionate ground, but till date no action has been taken by the authority and hence this application for redressal of his grievances.

The copy of the representation dated 25.2.03, is being annexed herewith and marked as Annexure-3.

4.5. That the applicant states that the Government of India vide various notifications and memorandums has made a special provision for appointment on compassionate reserving 5% grade -III and Grade-IV

post to a widow on a son or daughter of a Government servant who dies in harness, while he was in service leaving his family in candidate need of assistance when there is no other earning member in the family. In the instant case the applicant as the elder most son of the deceased person whodied in harness while he was in service, The applicant has to bear all the responsibilities to maintain his family.

Typed copy of the abstract of the schence for compassionate appointment is annexed herewith and marked as Annexure-4.

4.6. That the applicant begs to state that no appointment has been made in the post of B.P.M. Mananjara till date and peon of the said office is doing the responsibilities of the B.P.M. Therefore the applicant prays for his appointment in the post of B.P.M. in Monangana post office.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

i) For that, the applicant has got the requisite qualification to be employed in any Grade-III or Grade-IV posts on compassionate ground.

ii) For that, after the death of the father of the applicant, the family is facing acute financial hardships to maintain their livelihood.

iii) For that there are no service holder in family of the applicant after the preature death of his father.

- iv) For that, the applicant applied before the authority for his appointment on compassionate ground as per provisions laid down by Union of India.
- v) For that, the respondents ought to have appointed the applicant against any existing vacant post of Grade-III or Grade-IV on compassionate ground.
- vi) For that, it is a fit case for a direction from this Hon'ble Tribunal to appoint the applicant on compassionate ground.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant has approached the respondent No. 4  
3 from time to time with a prayer for his appointment on compassionate ground including the representation dt. 25.2.2003.

7. MATTER NOT PENDING IN ANY OTHER COURT OR TRIBUNAL:

The applicant declares that he has not filed any application, writ petition or suit etc, regarding this matter in any court or law or Tribunal and no case is pending before any court.

8. RELIEF SOUGHT FOR:

In view of the facts and circumstances narrated above the applicant prays for the following reliefs.

- i) That the respondents may be directed to appoint the applicant against the vacant post occurred due to the premature death of his father in any other suitable vacant post, commensurating his educational qualification, under respondent No. 3... as per provisions laid down in the office Memorandum, dt. ....
- ii) That any other relief or reliefs entitled by the applicant and this Hon'ble Tribunal deems fit and proper.

9. INTERIM RELIEF ANY PRAYED FOR:

- i) That the respondents may be directed to appoint the applicant against the vacant post occurred due to the premature death of his father in any other suitable vacant post, commensurating his educational qualification, under respondent No. 3... as per provisions laid down in the office memorandum, dt. ....

- ii. That any other relief or reliefs entitled by the applicant and this Hon'ble Tribunal deems fit and proper.

10. DETAILS OF POSTAL ORDER:

Postal order No: 7713 387127

Date of Issue : 23. 12. 67

Issued from :

payable at : 14 P.O

VERIFICATION

I, Md. Nazimuddin Ahmed, S/o Late Khasnur Ali,  
resident of Village- and P.O. Moranjara, in the District  
of Kamrup, Assam, do hereby verify that the  
contents made is paragraph 1,2,3,4, 5,6,7, 10  
and 11 are true to my personal knowledge and  
paragraph 5,8 and 9 are believed to be true as  
legal advice and I have not suppressed any  
material facts.

Date: 23.12.03

Place: Guwahati.

Md. Nazimuddin Ahmed

Signature of the Applicant.

No. 1

100

Board of Secondary Education, Assam

BOARD OF SECONDARY EDUCATION  
ASSAM

1988

Assam High Madrassa Examination  
(COMPARTMENTAL)  
(Date of announcement of result—28.3.89)

I Certify that Md. Nazimuddin Ahmed  
L-21 No. 50 passed the Assam High  
Madrassa Examination, 1988 of this Board being successful  
Compartmental (Last) Chance.

His/Her date of birth is 1-5-70

REGISTRAR II

DILIP KR. KAKATI  
SECRETARY

Certified true copy  
T. H. Sarker  
District

Form No. 6

ফর্ম নং ৬

A.X. NO. 2

SI No.  
ক্ষেত্র নং 0056060



যুক্তিবাচক

GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেবা মন্ত্রণালয়)  
CERTIFICATE OF DEATH  
(মৃত্যু প্রমাণ পত্ৰ)

ISSUED UNDER SECTION 12/17 of the Registration of Births and Deaths Act, 1969.  
(অসম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ এ 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 ~~Death~~.....  
Registration unit of ~~Registration~~..... of the State of Assam.

ইয়াৰ ধাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথা অসম দাতৰে..... মিলাৰ-- গুৱাহাটী  
পৌৰসভাৰ ----- মৌজাৰ অঞ্চলত ----- পঞ্জীয়ন গোটৈ পৰিব দল প্ৰতিষ্ঠাৰ পৰা  
সংস্থাৰ কৰা হৈছে।

Name of ..... Late K. B. SARKAR ..... A/c.

Sex/ৱৰ্ষ ..... Male

Date of Death/মৃত্যু তাৰিখ ..... 05.02.03

Place of Death/মৃত্যু স্থান ..... 120/1.02.76/003

Registration No./পঞ্জীয়ন নং ..... 41.....

Date of Registration/পঞ্জীয়ন তাৰিখ ..... 15.02.03

Name of Father/Mother/Husband ..... Late C. B. SARKAR ..... A/c.

Age / বয়স / পৰিব বয়স :

Signature of issuing authority/কার্যকৰী পক্ষৰ স্বাক্ষৰ  
Designation/পদবী

Date/তাৰিখ

Seal/স্লেট

Registrar

Birth & Death

Certified true copy  
J. H. SARKAR  
Advocate

To,

The Divisional Superintendant of Post Office,  
Gauhati Division  
Guwahati.

Dated-Guwahati the 25.2.03.

Sub:- Prayer for appointment on compassionate ground.

Sir,

I have the honour to inform you that my father late Khasnur Ali was working as B.P.M, (Post mater) under Rangia Sub-Division in Moranjana post office. He died on 5.2.2003 while he was in service. There is no other service holder in ~~our~~ family. Being the eledermost son I have to bear the responsibility of maitaining the big family consisting of 9 (nine) members. I passed HSLC Examination in the year 1988.

Therefore, I request you to kindly appoint me as B.P.M. or in any other suitable post under your jurisdiction on compassionate ground so as to enable me to maintain the poor family.

This is my humble prayer before your honour.

Yours faithfully,

Sd/- Md. Nazimuddin Ahmed

S/o Late Khasnur Ali

Vill and P. O. Moranjana,

District-Kamrup

*Certified true copy  
J. H. Saikia  
Advocate*

### Compassionate Appointments of Dependents

(Swamy's Pension compilation)

Applicable to a dependant family member of-

- a) a Government servant who dies in service (including death by suicide),
- b) is retired on medical grounds before attaining the age of 55 years (57 years in the case of group 'D' officials)
- c) a member of the Armed Forces who-
  - i) dies in service, or (ii) killed in action, or (iii) is medically boarded out and unfit for civil employment.

Service includes extension in service (but not re-employment) service also includes re-employment of Ex-servicemen in civil post before the normal age of retirement.

### Welfare Measures

Dependant family member means (a) spouse (b) son/daughter (including adopted son/adopted daughter) and (c) brother or sister in the case of unmarried Government servant/ member of the ~~xx~~ Armed forces at the time of his death in harness/retirement on medical grounds as the case may be.

In the case of a missing employee-Compassionate, appointment can be considered after two years from the date of missing-

*Certified true copy  
S. H. Saini  
Advocate*

- a. if FIR has been filed and the missing official is not traceable
  - b. if he had at least two years to retire.
  - c. if he is not suspected to have committed /joined terrorist organization/gone abroad.
  - d. if the competent authority feels that the case is genuine and,
  - e) decision is to be taken at the level of Secretary  
Concession of compassionate appointment is  
admissible to ~~max~~ one dependant only.

**EXCEPTIONS-** (1) In exceptional circumstances, with the prior approval of the Secretary of the Ministry/Department concerned the appointment on compassionate grounds may be considered even when there is an earning member in the family of the deceased.

2. If the deceased was unmarried one of the dependent brothers/sisters will be eligible for consideration on giving were dependent on the deceased Government servant.

3. Posts to which appointment made-Only in Group 'D' and Group 'C' posts.

3. Appointing Authority :Joint Secretary in-charge  
Ministry/Department. of the Administration of  
Secretary.

Attached and Subordinate: Heads of the Departments  
offices. under SR 2(10).

-11-

Department of Tele- : Respective Circle Selection  
 communications. Committee.  
 Department of posts.

4. Conditions

- i. Comps\$sonate appointment can be made only against the direct recruitment quota and
- ii. Applicants should fulfil all eligibility conditions in recruitment rules.

5. Relaxations

i. Age-Maximum age-limit may be relaxed wherever necessary but no relaxation is permissible in the minimum limit of 18 years .If the ward is below 18 years of age at the time of death of the Government servant and if he alone is available for employment ,he should apply as soon as he attains 18 years.

ii. Qualification- For group 'D' post and LDC,

Qualification may be temporarily relaxed by the Department subject to the condition that such relaxation will be permitted up to two years only.The appointee should get qualified within the period as otherwise his services are liable to be terminated.

Widow appointed to a Group 'D' post will be exempted from the prescribed educational qualification,if the duties can be performed satisfactorily.

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iii. Procedure- Conditions in the recruitment procedure viz, clearance from Surplus Cell, recruitment through SSC, Employment Exchange etc, will be relaxed, compassionate appointments are exempted from ban orders on filling up of vacant posts.

6. Limitations- Compassionate appointment can be made only up to 5% of direct recruitment vacancies. No compassionate appointment can be made if there is no vacancy.

7. Reservations: Person selected for compassionate appointment to be adjusted in the recruitment roster against the appropriate category i.e. SC/ST/OBC/General category, depending upon the category to which he belongs.

8. Procedure for appointment: Heads of offices will make the proposal and the Head of Department/Ministry will decide the proposal. The proposal will be made in the prescribed form containing all particulars of the candidate and the specific relaxation required in age, qualifications, etc. The Head of Department /Ministry will take into account all the circumstances of the family, the benefits such as CGELS payments, GPF/CPF, gratuity, etc, received the existence of any earning member in the family on the one hand and on the other, size of the family, ages of children, essential needs, liabilities and the financial condition of the family. Financial benefits received need not necessarily be a ground for rejecting the proposal vis-a-vis other adverse factors urging acceptance.

contd/-13

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9. Other provisions-

i. Widow in appointment after re-marriage-There is no bar against a widow appointed on compassionate grounds continuing in the appointment after re-marriage.

ii. Dependant of Group 'D' deceased considered for Group 'C' also-The appointment of the family member of a deceased (Group 'D' ~~xxxxxx~~ employee need not be restricted to a Group 'D' post such a member, if qualification can be appointed to a Group 'C' post also.

iii. No consideration for change in post- Once the compassionate appointment is made, request for a change in the post on compassionate grounds will not be entertained. The appointee will be treated like his colleagues for career advancement in the normal course -Chapter 29.