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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. 46/2003.....

R.A/C.P No.....

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SECTION OFFICER (Judl.)

Malita
15/11/17

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 46/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) Jaya Bala Bhuyan

- Vs. -

Respondent (s) h.o.i. 9dm

Advocate for the applicant (s) M. Chanda, S. Boruah

Advocate for the respondent (s) A.N. Chakraborty, S. Choudhury
P.G.S.L.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in the right Petition No. P. N. 23/03 for Rs. 5 IPO/B No. 766057830 Dated.....25.3.2003</p> <p><i>Open</i> <i>Dy. Registrar</i></p>	31.3.2003	<p>Heard Mr. M. Chanda, learned counsel for the applicant. List on 2.5.2003 for admission.</p> <p><i>on.</i></p>
<p>mb</p> <p>17/3/03</p> <p>Steps taken without envelops.</p> <p><i>Open</i></p>	2.5.2003	<p>The applicant is ordered to take necessary steps within 24 hours. Put up the matter again on 13.5.2003 for admission.</p> <p><i>Vice-Chairman</i></p>

13.5.2003. Present : The Hon'ble Mr. Justice
D.N. Chowdhury,
Vice-Chairman. 2

The O.A. has arisen and is directed for appointment on compassionate grounds. Admittedly, the husband of the applicant died on 15.12.1995 while he was serving as Postal Assistant leaving four dependent children and his wife. The applicant made prayer before the competent authority for appointment of her son Sri Deben Bhuyan on compassionate ground in Group III or group IV posts. The prayer for compassionate appointment of the applicant was rejected as far back as 26.8.98. Thereafter, the applicant moved this Tribunal for appropriate direction against the said order. This Bench disposed the O.A. 159/99 on 28.3.2000 and directed the authority to reconsider the case of the applicant. Finally, the authority by impugned communication dated 21.8.2000 informed the applicant about the rejection of the claim for appointment on compassionate ground. Hence this application for appropriate direction.

An M.P. was also filed along with the O.A. for condonation of delay. Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. at length.

Considering the factors taken into consideration in the impugned order dated 21.8.2000 (Annexure-VI) of the O.A., no infirmity, as such is discernible for judicial review under section 19 of the Administrative Tribunal Act, 1985. I am not inclined to entertain the application and issue an appropriate direction to the respondents, what is more to the point, more

13.5.2003. - than seven years had rolled by since the death of the bread earner.

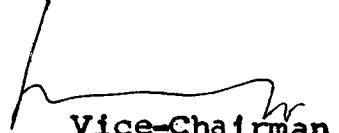
20.5.2003

Copy of the order
has been sent to
the Office for Panchayat
in view to the L/Adm.
for the parties.

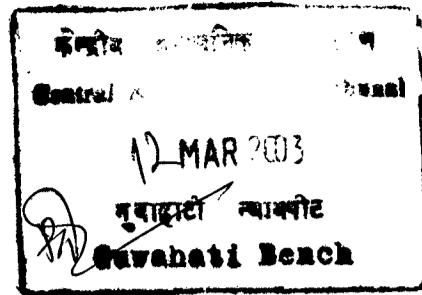
HP

Mr. M. Chanda, learned counsel for the applicant submitted that the respondents are in need of Gramin Dak Sevaks and for that purpose the case of the applicant may be considered by the authority. It will always be open to the applicant to make application for appointment against such vacancy and if such application is made the respondents may consider the case of the applicant for appointment of her son as per law keeping into mind the fact situation.

With the observation made above, the application is disposed of. No order as to costs.


Vice-Chairman

mb



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : E:

GUWAHATI

O.A. NO. 46 /2003

Smt. Jaya Bala Bhuyan

-Vs-

Union of India & Ors.

filed by The applicant
through Surajit Choudhury
Advocate
Deben
10/3/03

LIST OF DATES AND SYNOPSIS OF THIS APPLICATION

15.12.95 - The Husband of the Applicant died on 15.12.95 while he was in service as Postal Assistant in Saloni bari Post Office in Darrang District, leaving behind 4 dependent children and his wife (applicant).

The applicant applied on the date of death of her husband to the Respondents praying for compassionate appointment of her son Shri Deben Bhuyan who was eligible for a Grade III or Grade IV post.

23.8.96 - The aforesaid application for compassionate appointment was forwarded by the Supdt. of Post Offices to the Chief Post Master General (Staff) alongwith all documents, requesting for compassionate appointment.

23.9.96 - The ~~respondent has not submitted~~ Respondents asked the son of the applicant to furnish a statement of their income and landed property and submit a

certificate to that effect from Revenue authority for their consideration of his appointment on compassionate ground.

The son of the applicant submitted the certificate from the Revenue Authority stating about the existence of their landed property measuring 1 (one) Bigha and annual income of Rs. 2000/- from the land.

26.8.98 - The Chief Post Master General Assam Circle vide his impugned letter dated 26.8.98 informed the applicant that the compassionate appointment of her son had been considered by the Circle Selection Committee on September, 1997 and rejected her prayer since her economic condition does not justify consideration of her son's case for compassionate ground.

19.5.99 - The applicant filed one application before the Hon'ble CAT, Guwahati Bench vide OA No. 159/99 praying interalia for a direction upon the respondents for an appointment of her son in any Group -C or Group - D post.

28.3.2000 - The Hon'ble Tribunal disposed of the OA No.159/99 and passed order setting aside the impugned order dtd. 26.8.98 of the Chief Post Master General and directed the Respondents to reconsider the ~~xxxxxx~~ prayer of the applicant for compassionate appointment of the applicant's son within a

(3)

X

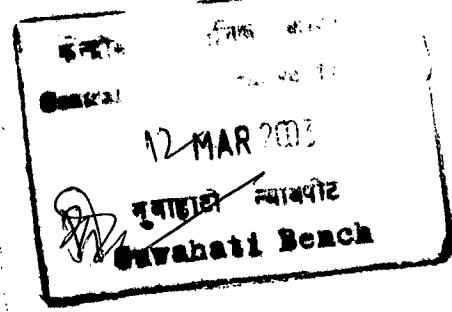
period of one month from the date of receipt of the order. It was further directed that in case of non-consideration of the case the Respondents shall communicate to the applicant a speaking order containing reasons within 45 days from the date of receipt of the order.

21.8.2000 - Following the judgment aforesaid, the Respondents made this impugned letter dated 21.8.2000 rejected the prayer of the applicant again more or less on the same ground as stated earlier and adding that compassionate appointment can be recommended only in deserving cases and only if vacancy for such compassionate appointment be available within one year and that too within the ceiling of 5% quota for which there is no chance in the instant case.

The grounds as shown above are not factual and applicable in the case of the present applicant which are arbitrary and not in conformity with the order dated 26.8.98 of the Hon'ble Tribunal for the reasons explained in Para 4.9 of this application.

PRAYER

- 8.1. - That the impugned order dated 21.8.2000 be set aside and quashed.
- 8.2 - That the Respondents be directed to issue to an appointment letter on compassionate ground
- 8.3 appointing the son of the applicant in a g Grade-III or Grade IV post to overcome the economic crisis caused due to sudden demise of the sole bread earner of the family.
- 8.4. - Costs of the application.
- 8.5. - Any other relief(s) as the Hon'ble Tribunal may deem fit and proper.



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

Title of the case : O. A. No 46 /2003

Smt. Jaya Bala Bhuyan : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Sugit Choudhury
Advocate

Date 11/03/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 1/2003

BETWEEN

Smt. Jaya Bala Bhuyan
Wife of late Sonaram Bhuyan
Resident of village - Renganijhar
P.O. Salonibari
District-Sonitpur (Assam).

Filed by the applicant
through Sonitpur Advocacy
Advocate
Subroto Bhuyan
10/3/03

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Department of Posts,
Ministry of Communication,
New Delhi.
2. The Director General
Department of post
Dak Bhawan
New Delhi-110001
3. The Chief Post Master General (Staff)
Assam Circle, Meghdoot Bhawan,
Guwahati-1

20/3/2021 22:00 35

4. Superintendent of Post Offices,
Darrang Division, Tezpur
PIN-784001

...Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned order issued under letter No. Staff/23-27/96/RP dated at Guwahati the 21st August, 2000 whereby prayer for compassionate appointment of the son of the applicant is rejected and further praying for a direction upon the respondents for immediate appointment of her son Sri Deban Bhuyan on compassionate ground.

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. The applicant has preferred a Misc. Petition for condonation of delay.

4. Facts of the Case.

সুব্রত বৰুৱা মুখ্য

4. Facts of the Case.

4.1 That the applicant is a citizen of India and is a permanent resident of village Renganijhar, P.O. Solonaibari in the district of Sonitpur, Assam and as such he is entitled to all the rights, protections and privileges as envisaged in Part III of the Constitution of India against any arbitrary and illegal decision without affording any opportunity in the matter of appointment on compassionate ground.

4.2 That the husband of the applicant was a postal Assistant working in Salonibari Post Office in Darrang district under the Department of Posts, Government of India, who died on 15.12.1995 while he was in service leaving the entire family in destitute. Be it stated that Late Sonaram Bhuyan, left 4 dependent children and his wife at the time of his death.

4.3 That the applicant states that on the death of her husband she had applied in proforma to the Respondents as required under the law requesting for compassionate appointment of her son Shri Deban bhuyan, who is other wise eligible and qualified to hold the post of grade III and/or Grade IV in order to enable the family to tide over the sudden crisis in consideration of the services rendered by the husband of the applicant and the legitimate expectations, and the change in the status and affairs, of the family

engendered by the erstwhile employment which has suddenly upturned.

4.4 That the application as stated herein above was forwarded to the Chief Post Master General (Staff) Assam Circle, Guwahati on 23.8.96 by the Superintendent of Post Offices, Darrang Division, Tezpur requesting for compassionate appointment of Shri Deban Bhuyan along with proforma and other related documents. It appears from the said communication that she had applied for compassionate appointment for her son on 22.1.1996 under the Department of Posts.

A copy of the communication dated 23.8.1996 is annexed hereto as **Annexure-I**.

4.5 That on receipt of the said communication dated 23.8.1996 by the Circle Office at Guwahati, another communication was sent to the son of the applicant in regard to the annual income certificate along with measurement of landed property to be obtained from the Revenue Authority and shall be submitted to the Superintendent of Post Offices, Darrang, Division for onward transmission to the Circle Office for consideration of compassionate appointment vide communication dated 16.10.96 and accordingly the income certificate along with the landed property had been submitted to the Superintendent of Post Offices, Darrang division. In the certificate so submitted she had shown her yearly income as Rs. 2000/- from the land measuring 1 Bigha.

S. S. D. G. M. S. B.

A copy of the communication dated 16.10.1996

pl. annexed hereto as Annexure II, urged to produce
at the time of hearing.

4.6 That the applicant states that in the proforma she had shown land measuring 1 Bigha of agricultural land from which Rs. 2000/- is her yearly income and with that meager amount the family cannot survive in these days of economic inflation. The Respondent authority on receipt of the said proforma had asked for a certificate from the Revenue Authority in regard to her income which would be submitted to the authority for consideration her case for compassionate appointment vide communication dated 23.9.1996 and 16.10.1996. The son of the applicant on receipt of the said communications had submitted the certificate from the Revenue Authority as asked for.

Copies of the communication dated 23.9.1996

16.10.1996 are annexed hereto as Annexure-II and III

respectively

4.7 That the applicant states that the Chief Post Master General, Assam Circle vide impugned order dated 26.8.1996 informed her that the compassionate appointment of her son had been considered by the Circle Selection Committee held on September, 1997 and rejected the prayer for compassionate appointment as her economic condition does not justify consideration of compassionate appointment.

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A copy of the impugned order dated 26.8.98 is annexed hereto as Annexure-III

4.8 That it is stated that in the compelling circumstances stated above, the applicant finding no other alternative approached this Hon'ble Tribunal through O.A. No. 159/1999 praying inter alia for a direction upon the respondents for appointment of her son Sri Deban Bhuyan in any Group C or Group D post following the indecent condition of the dependent family members of Late Chenaram Bhuyan. The said O.A. was duly contested by the present respondents before this Hon'ble Tribunal. However, the aforesaid O.A. was disposed of by the Hon'ble Tribunal on 28th March, 2000 with the following observation and direction.

"After hearing the learned counsel of both sides I am of the view that the order dated 26.8.1998 is not sustainable, because it is without any reason or detail. It simply says that the prayer of the applicant was considered by the Circle Selection Committee held in September 1997 and it was rejected as the economic condition of the applicant does not justify consideration of compassionate appointment. The written statement also did not elaborate further and no records in support of the aforesaid order was produced at the time of hearing. The impugned order dated 26.8.1998, therefore, is arbitrary. It

25-3-2021

is accordingly set aside. The respondents are directed to reconsider the prayer of the applicant for compassionate appointment of her son, Shri Deban Bhuyan, within a period of one month from the date of receipt of this order. If the consideration is against the applicant, they shall communicate to the applicant a speaking order containing details and reasons within forty five days from the date of receipt of this order.

7. The application is disposed of. No order as to costs."

A copy of the judgment and order dated 28.3.2000 is annexed hereto and marked as **Annexure V**.

4.9 That Most surprisingly, the respondent particularly the respondent no.3 vide impugned letter bearing No. Staff/23-27/96/RP dated at Guwahati the 21st August, 2000 rejected the prayer of the applicant for appointment of her son Mr. Deban Bhuyan, more or less on the same ground raised earlier by the respondents in their written statement in O.A. 159 of 1999. However, it is stated in the impugned order dated 28.8.2000 that the respondents have carefully examined the case of the applicant for compassionate appointment of her son in the light of the direction contained in the judgment and order dated 28th March 2000 in O.A. 159 of 1999. It is stated by the respondent that the dependent family member of the deceased Government Servant received

22/3/2012 2:45:20 PM

terminal benefit of Rs. 1,67,840/- besides monthly family pension of Rs. 2866/- and moreover the dependent family member got land measuring 1 bigha with annual income of Rs. 2000 derived from the landed property. It is further contended by the respondent that the Deptt. of Personnel and Training letter dated 9.10.1998 and Directorate's letter dated 30.12.1998 stated that the compassionate appointment is to be considered to a dependent family members of a Government Servant during in harness thereby leaving the family in penury and without any means of livelihood to relieve the family of the Government Servant concerned from financial destitution and to help it get over the emergency.

It is further stated by the respondents in the said impugned letter that the D.O.P.T. by the letter dated 3rd December 1999 and 6.1.2000 directed that compassionate appointment can be recommended for appointment on compassionate ground only in a really deserving case and only if vacancy meant for appointment on compassionate ground would be available within one year and that too within the ceiling of 5% of the vacancies falling under direct recruitment quota in any cadre.

It is further alleged in the impugned order that the committee has found that there is no chance of offering appointment to the candidate within 5% quota of Direct Recruitment Quota within one year, even if

22/2/2013

the candidate is recommended for compassionate appointment.

On a mere reading of the impugned order dated 21.8.2000, it appears that the case of the applicant was not re-examined by the respondents in the manner indicated in the order dated 28.3.2000 in O.A. No. 159/1999 passed by this Hon'ble Tribunal. Rather, the impugned order has been passed in a most mechanical manner without application of mind.

It is an admitted fact that the compassionate appointment is required to be considered in a really deserving case, the instant case of the applicant is a really deserving case where the dependent members liable to be considered for compassionate appointment. The very contention of the respondents that the applicant had received terminal benefit to the extent of Rs. 1,67,840 and monthly family pension of Rs. 2,866/- cannot be a ground for rejection of the case of the applicant where the deceased Government Servant left five dependent family members at the time of his death. As such, the amount of terminal benefit as well as the monthly family pension is a meager amount for survival of five dependent family members. Hence, the ground is not tenable in the eye of law.

The other contentions of the respondent is that the quota meant for compassionate appointment is only 5% of the direct recruits in a particular recruitment year and further contention of the respondent is that there is no possibility of availability of any vacancy

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for appointment of the applicant's son is highly arbitrary and unfair and the said findings/contention of the respondents is contrary to their own records. It would be evident from their own records that the panel for appointment on compassionate ground is normally being prepared by the Circle Selection Committee after a long lapse from the date of death of the deceased Government Servant. In many cases panel for appointment on compassionate ground after a long lapse of time which would be evident from the letter bearing No. B-7/17/CH-V dated 7.9.2001 issued by the Superintendent of RMS, Silchar, whereby willingness is sought for appointment on 7.9.2001 of an approved candidate Kandarpa Kumar Das, whose father expired on 23.4.1994. Therefore the very contention of the respondents as stated above is contrary to their own records and the same is false and misleading and on that ground alone the impugned order dated 21.8.2000 is liable to be set aside and quashed.

A copy of the letter dated 7.9.2001 is annexed hereto and marked as Annexure-V and impugned letter dated 21-8-2000 as Annexure-VI

4.10 That it is stated that financial conditions of the five dependent family members of Late Chenaram Bhuyan is very indecent and they are in starvation at this stage, as such the Hon'ble Tribunal be pleased to direct the respondent to consider the appointment of Shri Deban Bhuyan, son of the applicant with immediate effect without any further delay.

2018-07-26

4.11 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 states that the Respondents authority committed an error apparent on the face of the record in rejecting the prayers for compassionate appointment of her son holding that economic condition does not justify consideration of compassionate appointment on the basis of the report of the Circle Selection Committee whereas under the Rule the compassionate appointment can be made by the Joint Secretary in charge of Administration or Secretary in the Ministry/Department concerned and as such the impugned order dated 26.8.98 is liable to be set aside and quashed.

5.2 For that, the compassionate appointment under the rule can be made by the Head of the Department under supplementary Rule 2(1) and the power has not yet been delegated to the Circle Section Committee under the rule and as such the power exercised by the Circle Selection Committee is beyond the scope of power so exercised and as such the power so exercised and on the basis of the report the compassionate appointment has been rejected and as such the impugned order dated 26.8.98 is liable to be set aside and quashed.

25/2/2014
25/2/2014

5.3 For that, the applicant states that admittedly under the rule the compassionate appointment is application to a son of a Government servant who dies in harness, more so, when there is no other earning member in the family and in the instant case there is no earning member in the family and the son of the applicant is otherwise eligible and qualified to hold the post of Classes III and IV being Matriculate and there being no objective satisfaction in regard to economic condition of the family, the finding of the Circle Selection Committee is extraneous, arbitrary, illegal and without jurisdiction and as such the impugned order dated 26.8.98 is liable to be set aside and quashed.

5.4 For that, the applicant states that the Department of Posts under the Ministry of Communication has been empowered to relax temporarily educational qualification in the case of appointment at the lowest level i.e. Group "D" or LDC post, in exceptional circumstances where the condition of the family is very hard. The economic condition of the family on the death of the sole bread winner is very hard and it requires immediate economic assistance in the form of an employment on compassionate ground and the circle selection committee without considering the education of 4 children has come to a finding that the economic condition does not deserve consideration for compassionate appointment which finding is based on no records rather it is based on extraneous consideration

25/3/2000

and as such the impugned order dated 26.8.98 is liable to be set aside and quashed.

5.5 For that, the applicant states that under the Rule even in deserving cases where there is an earning member in the family, a son or daughter of the deceased Government servant leaving his family in distress may be considered for appointment with the prior approval of the Secretary of the Department concerned, who before approving the appointment, must satisfy himself that the grant of concession is justified having regard to the number of defendants, the assets and liabilities left by the deceased Government servant, the income of the earning member is also his liabilities, whereas in the instant case there is no earning member of the family, the income from the agricultural land is meager and as such the finding arrived at by the Circle Selection Committee without giving any opportunity in the matter of employment on compassionate ground is violative of Article 14,16 and 21 of the Constitution of India.

5.6 For that, the applicant states that a post of Postman is lying vacant at the office of the Superintendent of Post Offices, Darrang Division and the family requires immediate economic assistance and the appointment has to be cleared at the level of the Head of the Department and as all the vacancies are to be pooled for compassionate appointment, it must be ensured that subordinate and field officers get an equitable share

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in the compassionate appointment and there being no delegation of power to the Circle Selection Committee the finding arrived at is perverse and as such the son of the applicant deserves consideration of the services rendered by the father and the legitimate expectations and the change in the status and affairs of the family engendered by the erstwhile employment which are suddenly upturned.

- 5.7 For that the applicant states that under the rule/circulars etc. the Secretary of the Department has been empowered to consider the requests for compassionate appointment and in the instant case the requests has been turned down by the Circle Selection Committee and there is no recording of reasons for such refusal and as such the impugned order dated 26.8.98 is liable to be set aside and quashed.
- 5.8 For that the impugned order has been passed mechanically without application of mind more or less on the same ground as contended by the respondents in their written statement filed by the respondents in their earlier written statement in O.A. No. 159/1999 which was rejected by the Hon'ble Tribunal while passing the judgment in O.A. 159/1999.
- 5.9 For that a mere receipt of terminal benefit of Rs. 1,67,000..... and monthly pension of Rs. 2866/- and an annual income of Rs. 2000/- cannot be a ground for rejection of the claim of the applicant for appointment on compassionate ground of her eldest son.

5.10 For that the contention of the respondents that there is no possibility of availability of vacancy within a period of one year under the compassionate quota of 5%, hence the claim of the applicant would be forfeited is false and misleading and the said contention is contrary to their own records.

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.

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

The applicant further declares that she had previously filed an application before this Hon'ble Tribunal which was registered as O.A. No. 159/99 and the said O.A. was disposed of on 28.3.2000 with a direction to reconsider the matter for appointment on compassionate ground but the respondents have rejected the claim of the applicant. The applicant further declares that no Writ Petition or Suit or any other authority or any other Bench of the Tribunal regarding the subject matter of this application is pending before any of them.

8. Relief(s) sought for:

27/8/2012

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 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 impugned order dated 21.8.2000 issued by the Chief Post Master General (Staff), Assam Circle, Meghdoott Bhawan, Guwahati rejecting the prayer for compassionate appointment on the basis of a finding of the Circle Selection Committee and in total violation of the judgment and order passed by the Hon'ble Tribunal be set aside and quashed.
- 8.2 That the son of the applicant Shri Deban Bhuyan being eligible and qualified to hold the post of Grade III and Grade IV is entitled to get an appointment on compassionate ground on the death of his father who died in harness.
- 8.3 That the respondent authority may be directed to issue an appointment letter on compassionate ground either in Grade III/IV in order to enable him to overcome the economic crisis caused due to the sudden demise of sole bread winner in order to enable the family to live a decent standard of living.

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2021-2022

8.4 Costs of the application.

8.5 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 make an observation that pendency of this application shall not be a bar for the respondents to consider the case of the applicant for appointment on compassionate ground.

9.2 That the post of Postman which is lying vacant may not be filled up till disposal of this application.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	:	7G 605830
ii) Date of Issue	:	25-02-2003
iii) Issued from	:	G.P.O, Guwahati
iv) Payable at	:	G.P.O, Guwahati

12. List of enclosures.

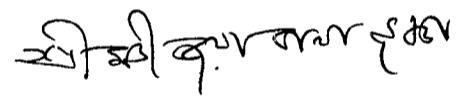
As given in the index.

স্বাক্ষর দণ্ডনী

VERIFICATION

I, Smti Joyabala Bhuyan, wife of Late Chenaram Bhuyan, aged about 63 years, resident of Rongonijhar, P.O. Salonibari, District Sonitpur, 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 11th day of November, 2002. March, 2003.

A handwritten signature in black ink, appearing to read "Smti Joyabala Bhuyan".

Annexure - I
D

- 23 -

Annexure - I.

DEPARTMENT OF POSTS/INDIA.

From : Supdt. of Post Offices,
Darrang Division, Tezpur - 784001.

To : The C.P.M.G. (Staff),
Assam Circle,
Guwahati - 1.

Ex/Relaxation - 3/96, Dated at Tezpur the 23.8.96.

Subject :- Request for compassionate appointment under
relaxation of normal rules - case of
Sri Deben Bhuyan, s/o. Late Chenaram
Bhuyan, Ex. P.A., Saloniabari S.O.

An application dtd. 22.1.96 received from Smti. Jayabala
Bhuyan, widow wife of late Chenaram Bhuyan, ex-P.A. Saloni-
bari S.O. is forwarded herewith along with the Annexure - A
and synopsis in Part-I & II and other related documents
for favour of kind disposal.

Enclo.- (1).

sd/-

Supdt. of Post Offices,
Darrang Division, Tezpur-784001.

Copy to -
Smti. Jayabala Bhuyan, w/o. Late Chenaram Bhuyan,
Vill. Renganijhar, P. S. Saloniabari, Dist. Sonitpur (Assam),
for information.

sd/- Illegible.
Supdt. of Post Offices,
Darrang Division, Tezpur-784001.

Altered
P. Bhuyan
Advocate
10/3/03

Annexure - II.

DEPARTMENT OF POSTS, INDIA.

From :- Supt. of Post Offices,
Darrang Division, Tezpur-784001.

To : Sri Deben Bhuyan,
S/o. Late Chena Ram Bhuyan,
Vill. Renganijhar, P.O. -Salonibari,
Dt. Sonitpur, Assam.

No. BX/Relaxation-3/96. Dated at Tezpur, 23.9.96.

Subject - Compassionate appointment case of
Sri Deben Bhuyan, s/o. Late Chena Ram
Bhuyan Ex-P.L. Salonibari -S.O.

For appointment in this department under relaxation of
normal appointment Rules, in your application you have
stated that your family possess one bigha landed property
and Rs. 2000/- is annual income.

As desired by the Circle office, Gwahati, you are
requested to obtain a certificate from the concerned
authority in support of landed property possessed by your
family and actual annual income therefrom and to submit the
same certificate along with a photostat copy immediately
to this office for submission to Circle Office, Gwahati.

Sd/- Illegible.

Suptd. of Post Offices,
Darrang Division, Tezpur-784001.

Attested

Deben Bhuyan

Advocate

10/3/03

Annexure - III

21
- 16 -

Annexure - IV.

DEPARTMENT OF POSTS, INDIA.

xxxxxxxxxxxxxxxxxxxxxxxxxxxx

From : O/O. the Chief Postmaster General,
Assam Circle, Guwahati-781001.

To : Smti. Jaya Bala Bhuyan,
W/O. Late Chenaram Bhuyan,
Vill. Rongonijhar,
P.O. - Saloniabari,
Dist. Sonitpur, (Assam).

No. Staff/16-34/96, Dte. 26.8.98.

Subject - Compassionate appointment case of Shri Deben
Bhuyan, S/o. Late Chenaram Bhuyan, Ex-PH
Saloniabari P.O.

Madam,

Kindly refer to your representation dtd. 29.7.98
received through Directorate's letter No. 2413/98/SPB-1
dtd. 18.8.98. In this respect I would like to inform you
that compassionate appointment of your son Shri Deben
Bhuyan, was considered in the Circle Selection Committee
held on Sept. '97 and rejected as your economic condition
does not justify consideration compassionate appointment.

Yours faithfully

Scy. Illegible.

(I. Spangemiungsangar...)

O/O. The Chief Postmaster General,
Assam Circle, Guwahati-781001.

Attested
W. K. Bhattacherjee

Attested
R. Bhuyan
Advocate
10/8/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.159 of 1999

Date of decision: This the 28th day of March 2000

The Hon'ble Mr. G.L. Sanglyine, Administrative Member

Smt. Jaya Bala Bhuyan,
wife of Late Sonaram Bhuyan,
resident of village- Renganijhar,
P.O.- Salonibari,
District- Sonitpur, Assam.

By Advocates Mr M. Chanda,
Mr S. C. Biswas and Mrs. U. Dutta.

.....Applicant

- versus -

1. The Union of India, represented by the Secretary, Government of India, Department of Posts, Ministry of Communication, New Delhi.
2. The Director General, Department of Post, New Delhi.
3. The Chief Post Master General (Staff), Assam Circle, Guwahati.
4. The Superintendent of Post Offices, Darrang Division, Tezpur.

.....Respondents

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

.....
O R D E R

G.L. SANGLYINE, ADMINISTRATIVE MEMBER

The husband of the applicant was an employee in the Department of Post and was working as Postal Assistant in Salonibari Post Office, when he died on 15.12.1995. Thereafter the applicant made prayer before the competent authorities of the respondents for appointment of her son, Shri Deban Bhuyan, on compassionate ground. The authorities enquired into her prayer, but rejected it on the ground that

Attested
S. Chetry
Advocate
10/3/03

the economic condition of the applicant did not justify consideration for compassionate appointment. Hence this application.

2. In this application, the applicant has prayed that the respondents may be directed to appoint her son, Shri Deban Bhuyan, to a post in Grade III or Grade IV on compassionate ground. The respondents have submitted written statement opposing the prayer of the applicant.

3. Learned counsel Mr M. Chanda appears for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C., for the respondents.

4. Heard counsel of both sides. Mr Chanda has submitted that the respondents have illegally rejected the prayer of the applicant. The Circle Selection Committee has no power under the rules to consider appointment on compassionate ground. Under Supplementary Rule 2(1), it is only the Head of the Department who can exercise the power as the applicant was an employee in the subordinate office. Further, Mr Chanda has submitted that the ground that the ground of rejection is arbitrary and without any basis. The applicant, with a number of dependent children, was having only one bigha of agricultural land, which yields about Rs.2000/- as income per year, and this cannot be a valid ground for rejection.

5. Mr A. Deb Roy, learned Sr. C.G.S.C., submitted that though there is no specific standard of economic condition for determining admissibility for appointment on compassionate ground, but the authorities while considering such claims of compassionate appointments take into consideration all aspects of the matter including the economic conditions of other claimants in the Department for compassionate appointment at the relevant time. Further, he submitted that the decision to reject the prayer of the applicant cannot be faulted, because the competent authority had reviewed the consideration of the Committee before the decision.

: 3 :

decision to decline offer of appointment to the applicant's son was issued.

6. After hearing the learned counsel of both sides I am of the view that the order dated 26.8.1998 is not sustainable, because it is without any reason or detail. It simply says that the prayer of the applicant was considered by the Circle Selection Committee held in September 1997 and it was rejected as the economic condition of the applicant does not justify consideration of compassionate appointment. The written statement also did not elaborate further and no records in support of the aforesaid order was produced at the time of hearing. The impugned order dated 26.8.1998, therefore, is arbitrary. It is accordingly set aside. The respondents are directed to reconsider the prayer of the applicant for compassionate appointment of her son, Shri Deban Bhuyan, within a period of one month from the date of receipt of this order. If the consideration is against the applicant, they shall communicate to the applicant a speaking order containing details and reasons within fortyfive days from the date of receipt of this order.

7. The application is disposed of. No order as to costs.

Sd/MEMBER (ADMN)

nkm

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE SUPERINTENDENT RNS, 'S' Dn. SILCHAR- 783001.

K. D.

No. B-7/17/Ch-V.
Dated at Silchar, the 7-09-2001.

To,

Shri/Smt....Kamalappa, Kr. Das
.....S/o.....late....Guranga Ch. Das
.....Ex....M/o....H/o Silchar.
.....New Colony - 783003

Sub:- Commissionate appointment of candidates approved and wait listed.

The undersigned is pleased to communicate a decision of the Dte. New Delhi on the subject, conveyed vide CO Superintendent letter No. Staff/16-Rlg/03/Part dtd.14/03/2001 that commissionate appointment proposal of candidates approved and wait listed are offered for vacant posts of Gramin Dak Sevak if they are willing and eligible for the post subject to their fulfilling all required conditions of recruitment like educational qualification etc.

Besides, it may be noted that acceptance of post post, candidate would have no further claim for appointment on any special condition against regular department vacancies and that they would have to take their turn as per present departmental policy for same in the matter of their appointment against future departmental vacancies.

As such, you are hereby directed to submit your willingness on the offer to this office along with your full postal address for onward transmission to the Circle office within 7 (seven) days of the receipt of this letter for their consideration.

For Superintendent RNS,
'S' Dn. Silchar-783001.

Copy to:-

1. The ASRli S-2nd Sub-Dn. Tinsukia
for information.
2. The IRM S-1st Sub-Dn. Silchar

cleff
S. D. Meep
18/8
AGRICULTURE
District Agril. Offce
Karimganj

For Superintendent RNS,
'S' Dn. Silchar-783001.

EEEEE

Attested
S. D. Meep.
Advocate
10/3/03

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE:
GUWAHATI - 781 001

NO. Staff/23-27/96/RP

dated at Guwahati the 21st August, 2000

To,

~~Re:~~
Smt Jayabala Bhuyan
W/O late Chenaram Bhuyan
Ex-PA, Saloniabari SO
Village Renganijhar
PO Saloniabari
Dist. Sonitpur
Assam

Please refer to the Hon'ble CAT, Guwahati Bench OA No. 159 of 1999 dated 28th March, 2000, regarding Compassionate Appointment of your son Sri Deben Bhuyan. I am directed to appraise you that as ordered by the Hon'ble CAT, your prayer for compassionate appointment of your son has been examined carefully in the Department by the competent authority keeping in view the guidelines on the subject issued by the Department of Personnel and Training.

As per the order of the Department of Personnel and Training No. 14014/6/88-Estt (D) dated 30th June, 1987, the purpose of appointment on compassionate grounds is intended to render immediate assistance to the family of a government servant who dies in harness or retires on invalidation on medical grounds leaving his family in indigent circumstances. Such appointments can be provided only to fill up to 5% of vacancies that arise for direct recruitment quota.

Compassionate appointment of your son Sri Deben Bhuyan was rejected by the Circle Selection Committee held in September, 1997 on the ground that the economic condition does not justify consideration of compassionate appointment which has been intimated to you vide Circle office letter No. Staff/16-34/96 dated 10.2.98. You were also informed vide this office letter no. Staff/16-34/96 dated 26.8.98 with reference to your representation dated 29.7.1998 to DG Posts, New Delhi that the Circle Selection Committee has rejected compassionate appointment of your son as your economic condition does not justify consideration for compassionate appointment.

Contd--2

*Attested
Subhreej
Advocate
10/8/03*

As ordered by the Hon'ble CAT Guwahati vide OA No. 159 of 1999 dated 28th March, 1998, your prayer for appointment of your son has been carefully re-examined by the Circle Selection Committee. It is seen that the family received terminal benefit of Rs. 1,67,840/- and monthly family pension of Rs.2866/-. It is seen that your family also having one bigha of land with annual income of Rs. 2000/- derived from the landed property. As per the orders of the Department of Personnel and Training F. NO. 14014/6/94-Estt(D) dated 9th October, 1998 and Directorates letter No. 24-4/97-SPB-I dated 30.12.1998, the case of compassionate appointment is to be considered to a dependent family members of a Government servant dying in harness thereby leaving the family in penury and without any means of livelihood to relieve the family of the government servant concerned from financial destitution and to help it get over the emergency. As per order of the Department of Personnel and Training F. No. 14014/23/99-Estt(D) dated 3rd December, 1999 and Directorate's letter No. 24-1/99-SPB-I dated 6.1.2000, compassionate appointment can be recommended for appointment on Compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate ground will be available within one year, that too, within the ceiling of 5% of the vacancies falling under Direct Recruitment Quota in any cadre. The Committee has found that there is no chance of offering appointment to the candidate within 5% quota of Direct Recruitment Quota within one year, even if the candidate is recommended for compassionate appointment.

In view of the above facts, the Committee after careful consideration of the application of the applicant for compassionate appointment does not find justification for compassionate appointment and has rejected the same.

(I PANGERNUNGSAH)
APMG STAFF
0/0 CHIEF PMG:GUWAHATI-1