

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

4

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 64/2003

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SECTION OFFICER (Judl.)

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 64/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (S) Jayanta Kumar Kaitai

- Vs. -

Respondent (s) U.O.I Gorn

Advocate for the applicant (s) Mr. N. Choudhury, S.K. Choudhury

Advocate for the respondent (s) Case

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 / not filed for Rs. 50/- vide IPO/B/ No. 76/607689 Dated <u>3/3/03</u></p> <p><u>[Signature]</u> By. Registrar</p> <p><u>[Signature]</u> 21/4/03</p> <p>Steps taken along with envelopes.</p> <p><u>[Signature]</u></p> <p>Notice prepared and sent to D/s for filing the Respondent No. 1 & 5 by Regd. A/D. <u>[Signature]</u> 21/4/03</p> <p>D/N. 731 to 735 dated <u>21/4/03</u></p> <p>No. 1 & 5 have been filed.</p> <p><u>[Signature]</u> 8.5.03</p>	<p>4.4.2003</p> <p>mb</p> <p>9.5.2003</p> <p>bb</p>	<p>Heard Mr. N. Choudhury, learned counsel for the applicant. The application is admitted. Call for the records. List on 9.5.2003 for further orders.</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>Mr. A. Deb Roy, learned Sr. C.G. S.C. appearing for the respondents prays for time to file written statement. Prayer allowed. List the case on 6.6.2003 for filing of written statement.</p> <p><u>[Signature]</u> Vice-Chairman</p>

(2)

O.A.M. 64/2003

✓

No written statement
has been filed

30
5.6.03

6.6.2003

Put up again on 11.7.2003

to enable the respondents to file
written statement.

Vice-Chairman

mb

11.7.2003

Put up again on 12.8.2003 to

enable the respondents to file written
statement.

Vice-Chairman

No written statement
has been filed

30
10.11.03

No written statement
has been filed

30
11.8.03

mb

12.8.2003

Written statement has been filed.

The case may now be listed for hearing
on 5.09.2003. The applicant may file
rejoinder, if any, within two weeks
from today.

Vice-Chairman

mb

5-9-03

Adjourned to 19-9-03 for hearing.

19.9.03

Case is adjourned to 24.9.03
for hearing.

Member

No rejoinder has
been filed

30
4.9.03

24.9.03

On the prayer of Mr S.K.Ghosh,
learned counsel for the applicant the
case is adjourned to 24.10.2003.

Member

pg

24.10.03 There is no Bench today.

Adjourned to 5.11.03.

18/10

No Bench.

27.11.03 Adjourned to 17.12.03.

18/10

No Bench today.

Adjourned to 27.11.03.

18/10

8
3
O.A. 64/2003

17.12.2003 Adjourned. List again on
19.1.2004 for hearing.

[Signature]
Member (A)

mb

17.3.04

Copy of the order
has been sent
to the office for
issuing the rule to
the applicant as
well as to the
C.G. Sec. for the Regd.

HS

25/3/04

04.03.2004 Judgment delivered in open
Court, kept in separate sheets.
The application is allowed. No order
as to costs.

[Signature]
Member (A)

mb

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXXX~~No. 1111 64 of 2003.

DATE OF DECISION 04.03.2004.

..... Jayanta Kumar Kairi APPLICANT(S).

..... Mr.N.Chaudhury, Mr.S.K.Ghosh & Mr.S.C.Keyal. ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

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

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

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other Benches ?
- Judgment delivered by Hon'ble Member (A).

bud

b

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.64 of 2003.

Date of Order : This, the 4th Day of March, 2004.

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

Jayanta Kumar Kairi
S/O Late Gurucharan Kairi
Vill & P.O: Atharotilla
Dist: Cachar (Assam).

. Applicant.

By Advocates Mr.N.Chaudhury, Mr.S.K.Ghosh & Mr.S.C.Keyal.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Communication
New Delhi.
 2. The Chief Post Master General, Assam
Meghdoot Bhawan, Guwahati-781001.
 3. The Post Master General
Dibrugarh Region, Dibrugarh-1.
 4. The Assistant Director (Staff)
Office of the Post Master General
Dibrugarh Region, Dibrugarh-1.
 5. The Senior Supdt.of Post Offices
Cachar Division
Silchar-788001.
- Respondents.

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

O R D E R

K.V.PRAHLADAN, MEMBER(A):

kyf

This application has been filed seeking compassionate appointment to the post of Extra Departmental Sub/Branch Postmaster. The father of the applicant was Extra Departmental Branch Post Master in Atharotilla Branch Post Office, Cachar district and died in harness on 13.5.1999. The applicant submitted an application for compassionate appointment on 14.6.1999. On the base of the application the applicant was provisionally approved for selection subject to recovery of the amount defrauded by his father while in service. The Assistant Director (Staff), O/O the Postmaster General, Dibrugarh Region by letter dated 20.2.2003 cancelled the adhoc selection of the applicant in view of the Directorate order vide letter NO.17-9/2001-ED&TRG dated 15.2.2001. The relevant portion

7

of the letter is reproduced below:-

"2. It has come to the notice of this office that in a few cases dependents of some deceased EDAs are being given compassionate appointments, in spite of the fact that the deceased EDAs were involved in cases relating to serious financial irregularities and the disciplinary proceedings would have led to their removal/dismissal from service.

^{was}
~~2.3.~~ 3. Compassionate appointments, as the expression itself implies, is meant as a gesture of welfare and goodwill by the Government. Keeping in view the work done by the former EDA. Needless to say, such a gesture would not be at all permissible in the case of an EDA who was the subject of departmental proceedings for some wrong doings. Extension of the aforesaid welfare measure to the dependent or an EDA dying in harness can only be justified when the performance of the EDA was found to be satisfactory. Any deviation from this norm would be viewed seriously."

As per the D.O.P.T. O.M.No.14014/6/94-Estt. (D) dated 9.10.1998 on the scheme for Compassionate Appointment the applicant fulfills the eligibility criteria which is as follows:-

- ,"(a) The family is indigent and deserves immediate assistance for relief from financial destitution ; and
- (b) Applicant for compassionate appointment should be eligible and suitable for the posts in all respects under the provisions of the relevant Recruitment Rules."

bwp
I have heard Mr.S.K.Ghosh, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents. The office order from the Directorate dated 15.2.2001 cannot override the provisions of the scheme of Compassionate Appointment issued by the D.O.P.T. dated 9.10.1998. Therefore, the contents of the O.M. dated 9.10.1998 will be the sole criteria for appointment on Compassionate ground. Therefore, the order dated 20.2.2003 passed by the Assistant Director (Staff), O/O the Postmaster General, Dibrugarh Division (Annexure-9) stands quashed and the respondents are directed to implement the

Contd./3

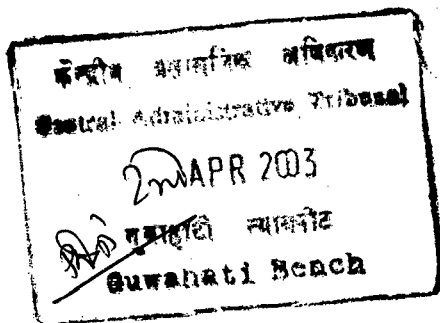
order of 19.4.2000 passed by the Asstt. Director (Staff),
for Postmaster General, Assam Region, Guwahati.

The O.A. is accordingly allowed. No order as to
costs.

K.V. Prahladan
(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER

bb

4-4-03



In the Central Administrative Tribunal
Guwahati Bench: Guwahati.

Synopsis

O.A.No. 64 / 2003

Jayanta Kumar Kairi

-Vs-

Union of India & Ors.

1988 Applicant passed H.S.L.C. Examination.

Annexure-1/Pg.11

13.5.1999- Father of the applicant died in harness
having rendered 30 years service as a
Extra Departmental Branch Postmaster
in Atharotilla Branch Post Office in the
District of Cachar.

Annexure-3 /Pg.13.

14.6.99- Applicant submitted application for appointment
on compassionate ground.

Annexure-4/Pg. 14 to 18

3.2.2000- Sr. Superintendent of Post Offices, Cachar
Division, Silchar (R- 5) asked the applicant
for certain materials including photograph
attested copy of Certificate.

Annexure- 5 / Pg. 19.

contd....2/-

9
Filed by:-
Jayanta Kumar Kairi
Applicant
Adv. 11/4/03

19.4.2000- Compassionate appointment case of the applicant provisionally approved by the Asstt. Director (Staff) for Post Master General , Assam Region, Guwahati subject to payment of the defrauded amount by the father of the applicant.

Annexure-6 /Pg. 20.

11.10.02 - Amount was recovered from the gratuity amount of the applicant by the R- 5.

Annexure- 7 /Pg. 21

26.10.02- Respondent No.5 intimate to the mother of the applicant about the deduction made from the gratuity.

Annexure- 8/Pg. 22.

20.2.2003- Post Master General Dibrugarh Region Dibrugarh (R-4) issued impugned order to the application thereby cancelling the earlier decision to give compassionate appointment in favour of the applicant.

Annexure- 9/Pg. 23.

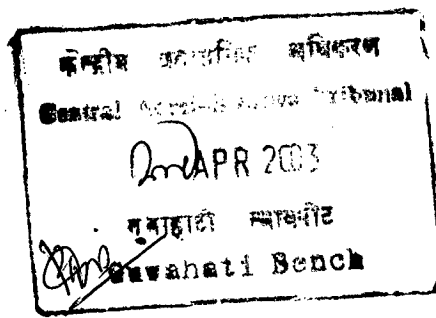
contd...3/-

-3-

-Submission-

Applicant was selected for appointment on compassionate ground under the Policy of the Govt. of India and, thereafter, violating the Government Policy respondent issued impugned order 20.2.2003 cancelling the Selection of the applicant which is arbitrary, discriminatory and violative of the earlier decision communicated to the applicant.

.....



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

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

Original Application No. 64 /2003

BETWEEN

Jayanta Kumar Kairi ... Applicant

- AND -

The Union of India & Others ... Respondents

I N D E X

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7	5	Letter dtd. 3.2.2000	19
8	6	Letter dtd. 19.4.2000	20
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10	8	Letter dtd. 26.10.2002	22
11	9	Letter dtd. 20.2.2003	23

Filed on : 1/4/03

Filed by,

Surjit Bhosh
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH::: GUWAHATI

(An application Under Section 19 of the Administrative
Tribunals Act, 1985)

Original Application No. /2003

BETWEEN

JAYANTA KUMAR KAIRI

Son of Late Gurucharan Kairi

Village & P.O : Atharotilla

District : Cachar (Assam)

.... Applicant

-AND -

1) The Union of India

Represented by the Secretary to the Govt. of India,
Ministry of Communication, New Delhi.

2) The Chief Post Master General, Assam,

Meghdoot Bhavan, Guwahati - 781001.

3) The Post Master General ,

Dibrugarh Region, Dibrugarh- 1.

4) The Assistant Director (Staff)

Office of the Post Master General, Dibrugarh Region,
Dibrugarh- 1.

contd...p/2

Sri Jayanta K. Kairi

13
Filed by:
Sri Jayanta Kumar Kairi
Applicant
1300-11-11
Sri Jayanta Kairi, Adv. 11/11/03

5) The Senior Supdt. of Post Offices,
Cachar Division,
Silchar- 788001

.... Respondents

DETAILS OF THE APPLICATION

1. Particulars of Order against which this application is made :

This application is made against the Order No. Staff/33-12/99/RP(L) dated 20.2.2003 issued by Respondent No.4 thereby cancelling the earlier decision to give compassionate appointment in favour of the petitioner/applicant.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of this application is well within 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 Tribunal Act, 1985.

contd...p/3

✓ Sri-Jayanta K. Kaini

4. Facts of the Case :

4.1. That the applicant is a citizen of India and a permanent resident of Assam.

4.2. That the applicant belongs to Other Backward Class in the State of Assam. He passed HSLC Examination in the year 1988 Under the Board of Secondary Education, Assam, Guwahati.

Photocopies of the passed certificate of HSLC Examination and a caste certificate are annexed herewith and are marked as Annexures-1 & 2 respectively.

13/5/99
4.3. That your applicant states that his father Late Gurucharan Kairi was Extra Departmental Branch Post Master of Atharotilla Branch Post Office in the District of Cachar, and he died in harness on 13.5.1999 having rendered 30 years of service under the Respondents. He left behind his widow Smti. Srikumari Kairi and 5 sons of whom the applicant is the eldest. There is no Government employee in the family and the applicant is also unemployed.

Photocopy of the death certificate of the father of the applicant is annexed herewith and is marked as Annexure- 3.

contd...p/4

Sri-Jayanta K. K. K.

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4.4. That the Central Government under the Post and Telecommunication Department has a comprehensive policy to make compassionate appointment in the Group C and Group D services for widows/sons/daughters of P & T including Extra Departmental ones, who died in harness leaving family in indigent circumstances. The said power to make appointment has been delegated to the Head of Circle. It is stipulated that such appointments can be made if more than 5 years have not elapsed between the date of application for employment and the date of death of the employee.

4.5. That as the father of the applicant died on 13.5.1999 leaving the family in indigent circumstances, the applicant submitted application in prescribed form before the Senior Supdt. of Post Offices, Cachar Division, ~~Silchar~~ Silchar. Thereafter on 3.2.2000 the said Respondent No.5 asked for certain materials including photograph, attested copy of School Certificate etc. The applicant accordingly furnished the same whereupon the Assistant Director (Staff) on behalf of the Respondent No.2 informed the Respondent No.5 endorsing a copy thereof to the applicant that the Committee provisionally approved the case of the applicant for compassionate appointment subject to payment of the amount allegedly defrauded by his father Late Gurucharan Kairi. Be it mentioned here

Sri-Jayanta K. Kain. contd..p/5

that after ~~the~~ death of the father of the applicant his family were informed that an amount of Rs.29851.75 p. was defrauded by Late Gurucharan Kairi. The mother of the applicant, therefore, requested the respondents to deduct this amount from the retiral benefits of Late Gurucharan Kairi and accordingly the said amount was deducted on 26.10.2002 with intimation to the mother of the applicant vide letter dated 11.10.2002.

Copies of application dated 14.6.99, letter dated 3.2.2000, 19.4.2002, 11.10.2002 and 26.10.2002 are annexed hereto and are marked as Annexures- 4,5,6,7 and 8 respectively.

4.6. That your applicant states that although the amount as required vide letter dated 19.4.2000 was realised from the family of the applicant and there is no other due either against the family of the applicant or on account of Late Gurucharan Kairi, the Respondents have not issued compassionate appointment letter to the applicant as Extra Departmental Branch Post Master of Atharotilla Branch Post Office. Rather the Respondent No.4 by letter dated 20.2.2003 has cancelled the earlier decision to appoint the applicant on compassionate ground. The said order has been passed arbitrarily and in violation of the principles

contd...p/6

— In-Jayanta Kr. Kaini

96

(6)

of natural justice. The impugned order has been issued on extraneous consideration contray to the policy of the Government in this regard.

A copy of the impugned order dated 20.2.2003 is annexed hereto and is marked as Annexure- 9.

4.7. That your applicant states that he has been seriously prejudiced by the impugned order dated 20.2.2003. Under the policy of the Govt. the applicant is entitled to be appointed as Extra Departmental Branch Post Master against the vacant post in Atharotilla Branch Post Office. The applicant has come to know that the very purpose to deprive the applicant from his legal due is to favour some blue eyed person of the Respondent No.5. The impugned order, therefore, is liable to be set aside and the respondents are liable to be directed to appoint the applicant as Extra Departmental Branch Post Master at Atharotilla Branch Post Office.

4.8. That this application is made bonafide and in the interest of justice.

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

5.1. For that the impugned order having been passed arbitrarily, discriminatorily and in violation of the earlier decision communicated to the applicant

contd...p/7

- Sr. Jayanta K. K. K. K.

(7)

vide letter dated 19.4.2000 the same is liable to be set aside and quashed with direction to the Respondents to appoint the applicant on compassionate ground as per the decision communicated on 19.4.2000.

5.2. For that the sole condition precedent laid down in the letter dated 19.4.2000 (Annexure- 6) being payment of defrauded amount and the said condition precedent having been satisfied the respondents are estopped from ~~residing~~ ^{residing} from the earlier decision and as such the impugned order (Annexure- 9) is liable to be set aside and quashed and the respondents are liable to be directed to appoint the applicant on compassionate ground accordingly.

5.3. For that the father of the applicant having died in harness leaving the family in indigent circumstances and applicant having filed the application in time and moreover the applicant having *been* eligible and suitable for the post of Extra Departmental Branch Postmaster, the respondents are duty bound to give compassionate appointment to the applicant as prayed for.

5.4. For that the impugned order being based on extraneous consideration the same is vitiated.

contd.p/8

✓ Sri Jayanta K. K. K. K.

5.5. For that the ground disclosed in the impugned order being contrary to the policy of the compassionate appointment the same is vitiated.

5.6. For that the impugned order being violative of the principles of natural justice the same is nullity.

5.7. For that in any view of the matter the impugned order is liable to be set aside and quashed and the respondents are liable to be directed to give compassionate appointment to the applicant as Extra Departmental Branch Post Master.

6. Details of Remedies Exhausted

That your applicant states that he has no other alternative and efficacious remedy than to file this application.

7. Matter not previously filed or pending with any other Court/ Tribunal

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

Sri - Jayanta Kr. Kain contd..p/9

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays that the impugned order dated 20.2.2003 (Annexure- 9) be set aside and quashed and the Respondents be directed to appoint the applicant on compassionate ground as Extra Departmental Branch Post Master of Atharotilla Branch Post Office and/or may pass any such further or other order or orders as this Hon'ble Tribunal may deem fit and proper.

9. Interim relief sought for :

During pendency of this application, the respondents may be directed not to fill up the post of Extra Departmental Branch Post Master in the Atharotilla Branch Post Office by anybody except the applicant.

10. That this application is filed through Advocate.

11. Particulars of the IPO

- i) IPO No. : 74 607689
- ii) Date of Issue : 31.3.03
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O. Guwahati.

12. List of enclosures

As stated in the Index.

✓ Sri. Jayanta K. K. Verification....

(10)

VERIFICATION

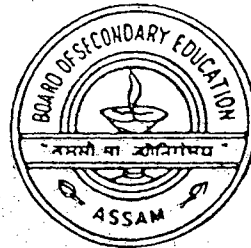
I, Shri Jayanta Kumar Kairi, Son of Late Gurucharan Kairi, aged about 34 years, resident of Village & P.O. : Atharotilla, District : Cachar, Assam do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the ^{1st} day of ~~March~~ ^{April} 2003.

Shri Jayanta K. Kairi

Signature

Board of Secondary Education, Assam



8332

1988

High School Leaving Certificate Examination

(Date of announcement of result 7.7.88)

I Certify that Jayanta Kumar Kairi
 Roll P- 100 No. 137 duly passed the High School
 Leaving Certificate Examination, 1988 of this Board and was
 placed in the Third Division.

His/Her date of birth is 1-7-67

Certified to be true

GUWAHATI, ASSAM

Advocate

REGISTRAR II

DILIP KR. KAKATI
 SECRETARY

All Assam Other Backward Classes' Association

(A REGD / RECOGNISED SOCIO-ECONOMIC ORGANISATION OF OBC OF ASSAM)

(Ref. No. TAD/MISC/112/76/13 dated Dispur, the 3rd March, 1976)

SURJYAKANTA BARUAH PATH :: GAUHATI-781022

Sl. No. 41789

of 1985

Date 18/9

Certified that Shri/Smt. Lachin

son/daughter/wife of Shri/Late Gurun Chandra Koiri

Vill./Town/T.E. Athar Tilla

Police Station Dhalai

Subdivision Silchar

in the district of Carm

Assam, belongs to

Ex-Lee Gouda Kachar caste/community which is recognised as Other Backward Class + More Other Backward Class by the Government of Assam.

Shri/Smt. Jagan K. Koiri

residing at Vill./Town Athar Tilla

Police Station Dhalai

in the district Carm

Assam.

Counter signed by

DEPUTY COMMISSIONER

SUB-DIVISIONAL OFFICER

President, General Secretary,

ALL ASSAM OBC ASSOCIATION (AM)

(Autographed) VAST. PRESIDENT/SECRETARY (AM)

Medical & Health Officer
M. Karsingpur P.H.O.
Cachar

Certified to be true Copy

Srijit Barua
Advocate

Form No. 10

ফর্ম নং - ১০



সত্ৰম্ব জপ্ত

GOVERNMENT OF ASSAM

(অসম চৰকাৰ)

DIRECTORATE OF HEALTH SERVICES

(স্বাস্থ্য সেৱা সঞ্চালকালয়)

CERTIFICATE OF DEATH

(মৃত্যুৰ প্ৰমাণ পত্ৰ)

Sl. No.

ক্রমিক নং

7488

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

ISSUED UNDER SECTION 17

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

This is to Certify that the following information has been taken from the original record of Death which is in the register for Deaths

Registration unit of Narsingpur NPHC of District Cachar of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ জিলাৰ খণ্ডৰ
পৌৰসভাৰ মৌজাৰ অন্তৰ্গত পঞ্জীয়ন গেটৰ পঞ্জীয়ন মূল অভিলেখনৰ পৰা
সংগৃহীত কৰা হৈছে।

Name/নাম :

Gurucharan Kaiki

Indian

Sex/লিংগ :

Male

Nationality/জাতি

Permanent Address/স্থায়ী ঠিকনা

Atharohilla

Date of Death/মৃত্যুৰ তাৰিখ

13-05-99

Registration No./পঞ্জীয়ন নং

28

Place of Death/মৃত্যুৰ স্থান

Atharohilla

Date of Registration/পঞ্জীয়নৰ তাৰিখ

18-5-99

Name of Father/Mother/Husband/পিতৃ/মাতৃ/স্বামীৰ নাম

Permanent Residential Address/পিতৃ/মাতৃৰ স্থায়ী ঠিকনা

Vill P.O.

Atharohilla

Signature of issuing authority/আমী কৰা কৰ্তৃপক্ষৰ চহী

P.S.

Dholai

Designation/পদবী

Date/তাৰিখ

Chief Registrar/মুখ্য পঞ্জীয়ক

Date/তাৰিখ

Narsingpur Primary Health Centre, Cachar

Certified to be true

[Signature]
Advocate

PROVIDA FOR EMPLOYMENT OF DEPENDENTS OF GOVERNMENT
SERVICES DYING IN LARNESS/RETIRED-ON-INVALID-PENSION.

PART-I

- I. (a). Name of the deceased/retired on invalid pension employe :- *late Jayant Kumar Kaint*
(b). Designation of the employee :- *Revenue Inspector*
(c). Date of birth of the employee :- *4th March 1949* 29-6-46
(d). Date of death / retirement on invalid pension. :- *13-5-99 (copy of death certificate enclosed)*
(e). Total length of service rendered :- *30 years 02 months 11 days.*
(f). Whether permanent or temporary :- *Permanent*
(g). Whether belonging to SC/ST/OBC :- *O.B.C. (Certificate enclosed)*
II(a). Name of the candidate for appointment :- *Shri. Jayanta Kumar Kaint*
(b). His/her relationship with the employee :- *son*
(c). Date of birth, :- *01-07-67*
(d). Educational qualification :- *Passed H.S.C. Examination in the year 1988 (copy of certificate enclosed)*
(e). Whether any other dependent has been appointed on compassionate grounds :- *NO.*
III. Particulars of total assets left including amount of :-
(a). Family pension (Basic & DRV separately) :-
(b). D.C.R. Gratuity :-
(c). G.P.F. balances :-
(d). L.I. & Policies (including P.L.I.) :-
(e). Movable and immovable properties and annual income earned there from by the family (Area of land, if any, may also be given in acres or sq. metres) :-
(f). C.G.E. Insurance amount :-
(g). Encashment of leave :-
(h). Any other assets :-
TOTAL =
IV. Brief particulars of liabilities, if any, :-
V. Particulars of all dependents of the Govt. Servant :-

(A) Immovable properties :-
Land measuring 1-05 A-05 K (approx)
Agricultural land, including homestead
(B) Annual Income of the family :-
Rs. 1600/- (Rupees sixteen thousand only)
Approx (Copy of certificate enclosed)

To mention in behalf of all family members as mentioned above of
i.e. he took after my mother and all younger
brothers

contd. p/2

Certified to be true

[Signature]
Advocate

Sl. No.	Name	Relationship with the Govt. servant	Age	Employed or not	
				Approximate date of employment and emoluments and place of posting if employed.	Particulars of employment and emoluments and place of posting if employed.
(1)	(2)	(3)	(4)	(5)	(6)
1.	Shri. Jayanta Kumar Kauri	Son	30 yrs	un-employed	
2.	" Abinjan Kumar Kauri	"	25 "	"	
3.	" Sanjoy Kumar Kauri	"	23 "	"	
4.	" Sumanti Kauri	"	19 "	"	
5.	" Santosh Kauri	"	13 "	"	
6.	Smt. Sankumar Kauri	Wife	50 "	"	

Educational qualification.	Marital status	Whether living with the family or separately from the family, give address, if living separately.	
		6.	7.
1. Passed HSLC Examin. W. rd. Dm.		Leaving with the family.	
2. " HSLC " "		do	
3. Read upto class VII		do	
4. " " class VII		do	
5. Reading in class VII		do	
6. Non-educated			

DECLARATION

I hereby declare that the facts given by me above are, to the best of my knowledge, correct. If any of the facts here-in mentioned are found to be incorrect or false at a future date, my services may be terminated.

Jayanta Kumar Kauri
Signature of the candidate.

Dated : *Jayanta Kumar Kauri*..... is known to me and the facts mentioned by him are correct.

Noni R. P. Singh
Signature, Name & Address of independent Govt. servant

Dated : I have verified that the facts mentioned by candidate above are correct.

Personal signature and Seal/
Personal signature and Seal/
of the Division with Seal.

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVICES DYING IN HARNESS/RETIRED ON INVALID PENSION.

PART-I

1. (a). Name of the deceased/retired employee :- *State Government Kashi*
- (b). Designation of the employee :- *Branch Post Master*
- (c). Date of birth of the employee :- *4th March 1943*
- (d). Date of death/retirement on invalid pension :- *13-5-99 (copy of death certificate enclosed)*
- (e). Total length of service rendered :- *30 years 02 months 14 days*
- (f). Whether permanent or temporary :- *Permanent*
- (g). Whether belonging to SC/ST/OBC :- *O.B.C. (caste certificate enclosed)*
- II (a). Name of the candidate for appointment :- *Shri Jayanta Kumar Kashi*
- (b). His/her relationship with the employee :- *father*
- (c). Date of birth :- *01-07-67*
- (d). Educational qualification :- *Passed H.S.C. Examination in the year 1988 (copy of certificate enclosed)*
- (e). Whether any other dependents are dependent on compassionate grounds :-
- III. Particulars of total assets left including amount of :-
- (a). Family pension (Basic & DA) :- *Separately*
- (b). D.C.R. Gratuity :-
- (c). G.P.F. balances :-
- (d). L.I.R&M Policies (including PLI) :-
- (e). Movable and immovable properties and annual income earned there from by the family (Area of land, if any, may also be given in acre or sq. metres) :- *1. Movable properties :-
2. Immovable properties :-
3. Annual income :-*
- (f). C.G.E. Insurance amount :-
- (g). Encashment of leave :-
- (h). Any other assets :-
- TOTAL :-**
- IV. Brief particulars of liabilities, if any. :- *No liabilities declared at all family members are employed or doing business.*
- v. Particulars of all dependents of the Govt. Servant :-

contd.p/2

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Sl. No.	Name	Relationship with the Govt. servant	DOB or Approximate age	Employed or not particulars of employment and emoluments and place of posting if employed.
(1)	(2)	(3)	(4)	(5)
1.	Shri Jayanta Kumar Kauri	Son	21 years	123 - Employed
2.	" Manojan Kumar Kauri	"	25 " (25)	do
3.	" Sanjay Kumar Kauri	"	28 " (28)	do
4.	" Sumanita Kauri	"	19 "	do
5.	" Santosh Kauri	"	13 "	do
6.	Smt. Sukumar Kauri	Wife	50 "	do

Educational qualification.	Marital status	Whether living with the family or separately from the family, give address, if living separately.
6.	7.	8.
1. Passed H.S.C. Exam. Living with the family		
2. Passed H.S.C. Exam. "		do
3. Passed H.S.C. Exam. "		do
4. " " " "		do
5. Running in class 10		do
6. Non-educational.		do

DECLARATION

I hereby declare that the facts given by me above are, ~~xxxxxx~~ to the best of my knowledge, correct. If any of the facts here-in mentioned are found to be incorrect or false at a future date, my services may be terminated.

Jayanta Kumar Kauri
Signature of the candidate.

Dated :

Shri. *Jayanta Kumar Kauri* is known to me and the facts mentioned by him are correct.

Kama Das Kauri HDA DC's office, *Shikhar*
Signature, Name & Address of permanent Govt. servant.

Dated :

I have verified that the facts mentioned by candidate above are correct.

Personal signature
of the Circle, with Seal/
Personal signature Head
of the Division with Seal.

UNDERTAKING

I Sri. Jayanta Kumar Kairi.....S/O, D/O...Kairi.....
Sri. Jayanta Kumar Kairi Ex. B.P.M. Aharila (Name, Designation and Office)
 who have applied for appointment as Post. Stn. Mgr......

In relaxation of recruitment rules hereby undertake to maintain my parents and dependents in the event of my being appointed in the Postal Department and further affirm that I am aware that my services would be terminated by the appointing authority under the rules in the event of my failure to maintain them without any notice to me.

I am aware of the above statement.

Sri Jayanta Kumar Kairi

Name and Address of

Independent witness:

Signature:

1) Kironimoy Nath Ex. M.C. Aharila Name

Sri Jayanta K. Kairi

2) Sunil Ch. Nath Ex. D.A. Date

: 14/6/77

Aharila

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

No. A - 524

Dated at Silchar the

3/2/2000

Regel

To

Shri/Smt

Jayanta Kumar Kairi

S/o Late Gouri Charan Kairi

Attharotilla, via Narsingpur

Sub:- Selection for the post of Extra Departmental Sub/B
Postmaster, Attharotilla Post Office.

As per name has been sponsored by the District Empl
Exchange, Silchar for considering you for appointment to the
cited post which has fallen vacant/is likely to fall vacant.
are requested to forward your application in the prescribed
enclosed herewith to the Sr. Supdt of Post Offices, Cachar Div
Silchar.

Please note that for considering your application you
have adequate means of livelihood viz. primary source of income
from landed property/Residential property/Business/Agriculture/
other employment. Further you should not be an Agent of LIC or
other financial Agency and in case you hold such an Agency you
will have to give it up in case you are appointed.

You should ensure that your application in complete
respects and enclose following documents there with :-

- i) One copy of photograph.
- ii) An attached copy of School-leaving/College/Board/
University.
- iii) An attested copy of certificate of having passed
Matriculation or equivalent examination from an approved
Board/University.
- iv) An attested copy of marks certificate of Matriculation
or equivalent examination.
- v) An attested copy of citizenship certificate.
- vi) An attested copy of the certificate certifying that
you are a permanent resident of the post village and pre-
ferably indicating the landed/residential property
registered in your name issued by District authority/
Panchayat authority.
- vii) Character certificate from a Gazetted Officer/MP/MLA
in original.
- viii) An attested copy of belonging to SC/ST/OBC or Ex-ser-
veman category if applicable, from competent authority.

In case of your selection for the above post, you will
requested to produce the originals of the above certificates bes-
ides the proof of possessing landed/residential property as claim-
in the applicant.

The application complete in all respects should reach
this office by 1800 hrs. on 18-2-2000.

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

Certified to be true Copy

Advocate

DEPARTMENT OF POST::INDIA
OFFICE OF POSTMASTER GENERAL, ASSAM REGION,
GUWAHATI-781001.

To

The Sr. Supdt. Of Post Offices,
Cachar Division,
Silchar-1

No. Staff/33-12/99/RP

Dated at Guwahati the 19-04-2000.

Sub:-Compassionate appointment case of Sri Jayanta Kairi S/O Late Gurucharan Kairi Ex BPM Atharotila B.O.

Ref:- Your letter no.A1/Comp/Apptt./38/99 dtd.26-10-99.

The CSC has provisionally approved the case of Sri Jayanta Kairi son of Late Gurucharan Kairi Ex BPM Atharotila subject to payment of the defrauded amount, please recover the defrauded amount from .ED gratuity/severance/EDCGIS.

Also complete the past work verification within this month and intimate recovery particulars for issuing formal orders.

sd (P.NATH)
ASSTT.DIRECTOR(STAFF)
FOR POSTMASTER GENERAL
ASSAM REGION, GUWAHATI.

Copy to:-

Sri Jayanta Kairi.
S/O Late Gurucharan Kairi.
Ex BPM Atharotila for information.

90
For Postmaster General
Assam Region, Guwahati

Certified to be true Copy

Sujit Choudhary

Advocate

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE SR. SUPDT. OF POST OFFICES: C/CHAR DN: SILCHAR-78

Name No. 11/ED-SA/5/99

Dated at Silchar the 11/10/02

Sub:- Grant of severance amount on retirement/death to late
Guru Charan Kairi... ex... BPM, Akarotilla BO.

Sanction of the undersigned is hereby accorded
Amount of RS 30,000/-... (Rupees Thirty Thousand only)
pay to Smt. Srikumari Kairi who late Guru Charan Kairi
ing the severance amount for the service rendered by him/he
employee.

The expenditure involved in this sanction is debit
the Head of Accounts "M.H 32-07-Pension-104-1 (C) gratuity
agents.

Rs. 30,000/-
Amount of loss Rs. 23,851.75

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

Amount payable - 148.25
by to:-

1. The Sr. Postmaster, Silchar/Postmaster, Karimgan
Hailakandi H.O. for effecting payment through ...
.....X.....S.O. The date of payment
should be intimated to this office. Ship bearing
attested signature/thumb impression of the payee
enclosed.
2. The PA (P) Calcutta (through the Sr. P.M./P.M. Silchar H.O)
3. The SPM.....X..... He should pay the amount on
proper identification of the payee.
4. Smt/Smt. Srikumari Kairi who late Guru Charan Kairi
ex BPM, Akarotilla BO nee - Narsingpur
5. Spare.

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

Certified to be true Copy

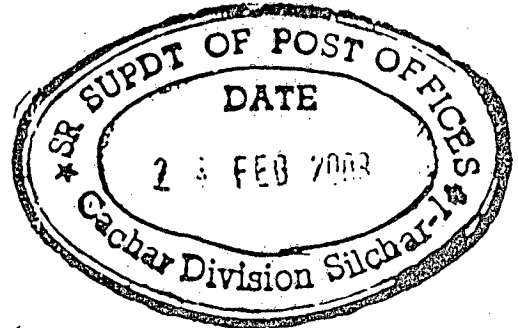
S. J. Ghosh
Advocate

गूल
Original

भारत का डाक

[illegible]

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE POSTMASTER GENERAL
DIBRUGARH REGION, DIBRUGARH -786001



To
The Sr. Supdt. of Post Offices,
Cachar Division,
Silchar -788001.

No: Staff/33-12/99/RP(L)

Dibrugarh the 20th Feb, 2003

Sub:- Compassionate appointment case of Shri Jayanta Kr. Kairi, S/O Late Guru Charan Kairi, Ex-BPM, Atharotilla BO.

Ref:- Your letter No. A1/Comp dated 5.11.2002.

CO, Guwahati under it's letter No. Staff/16-RLG/92/EDA dated 17.2.2003 has intimated that the validity of the adhoc decision of the CSC cannot be extended beyond one year in the normal procedure. So, the case could not be considered beyond that, especially after the Directorate's order vide letter No. 17-9/2001-ED&TRG dated 15.2.2001 on the subject. Accordingly the case automatically stand cancelled. The case has not been approved by the CPMG.

The applicant may be informed accordingly.

(Signature)
(A. B. Seal)

Assistant Director (Staff)
O/O The Postmaster General
Dibrugarh Region
Dibrugarh -786001

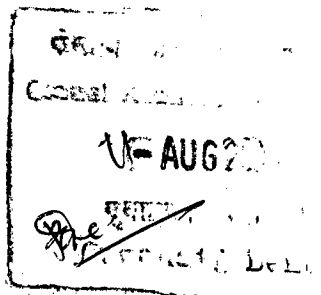
NO. A1/comp/appnt/38/99 dated 28/2/03.

copy to:- Shri. Jayanta Kr Kairi S/O Late Guru Charan Kairi PO- Atharotilla (via) Narsinghpur for information.

Certified to be true

(Signature)
Advocate

For S. *(Signature)*
Cachar Division



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUMAHATI BENCH ::: GUMAHATI

O.A. NO. 64 OF 2003

Shri Jayanta Koiri.

- Vs- Applicant.

Union of India & Ors.

- And - 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. Shri Jayanta Koiri applicant was provisionally

approved the case for compassionate appointment subject to

payment of the amount defrauded by his father late Guru Charan-

Koiri while in service. But the applicant failed to fulfill

the above condition within the stipulated period.

His father late Guru Charan Koiri, Ex-BPM Atharo-

tilla B.O. was involved in various fraud cases and that was

come to light in course of verification of his past service

after his death.

The defrauded amount of Rs. 29,851.75 paise was credited to the Govt. account by his mother only on 26.10.2002 and still a sum of Rs. 289.45 not yet refunded.

Appointment on compassionate ground is a gesture of welfare and goodwill by the Govt. keeping in view the work done by the deceased official. But his father Late Guru Charan-Koiri did not maintain the same while in service the ad-hoc decision of CSC especially after the Directorate's order vide letter no. 17-9/2001-ED & Trg dated 15/2/2001 automatically stand cancelled as communicated by the PMG Dibrugarh letter no. Staff/33-12/RP(L) dated 20.2.2003.

Copy of order dated 15.2.2001 is ANNEXURE-A

PARAWISE COMMENTS

2. That with regard to para 1 to 4.3, of the application the respondents beg to offer no comments.
3. That with regard to the statement made in para 4.3, of the application the respondents beg to state that Services of Late Guru Charan Koiri father of the applicant was not satisfactory. He was involved in fraud case before his death.
4. 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 opportunity was given to applicant but he failed to fulfill the condition.

5. That with regard to the statement made in para 4.5 & 4.6, of the application the respondents beg to state that a sum of Rs. 289.45 paise is still due for adjustment which was defrauded by his father Late Guru Charan Koiri viz. letter no. F1-4/99-00 dated 29.4.2003.
6. That with regard to the statement made in para 4.7, of the application the respondents beg to state that as already discussed in brief history of the case.
7. That with regard to the statement made in para 5.1 to 5.2, of the application the respondents beg to state that there was no violation of departmental norms and question of set aside the order does not arise.
8. That with regard to the statement made in para 5.3, 5.4 and 5.5 of the application the respondents beg to state that the Department is not duty bound to consider each and every cases for compassionate appointment it is to be given only in very hard and exceptional cases.
9. That with regard to the statement made in para 5.6, of the application the respondents beg to state that there was no violation of departmental norms.
10. That with regard to the statement made in para 5.7, of the application the respondents beg to state that since there was no violation of departmental norms the question of set aside the order does not arise.

-4-

11. That with regard to para 6, of the application the respondents beg to offer no comments.

12. That with regard to the statement made in para 7, of the application the respondents beg to state that the applicant did not prefer any appeal/representation at Higher Level in the department before filing this application.

13. That with regard to the statement made in para 8 & 9, of the application the respondents beg to state that the applicant has no merit and be dismissed.

Verification.....

V E R I F I C A T I O N

I, Shri J. K. Barbhuiya, presently
working as Sn Supdt of Post office, Silchar, being duly
authorised and competent to sign this verification, do hereby
solemnly affirm and state that the statements made in paras
1 to 13 are true to my knowledge and belief and those
made in para being matter of records, are true to my
information derived therefrom and the rest are my humble
submission before this Hon'ble Tribunal. I have not suppressed
any material fact.

And I sign this verification on this th day of
July, 2003.

Jay Kishore Barbhuiya
Deponent.

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS

Assam C. P. C.
Gwalior-78
Dak. Bhawan,
Safed Marg,
New Delhi-110001

12/2/2001
Dated: Feb 2001

NO. 17-9/2001-ED&TRG

- To
1. All Heads of Circles
 2. All Postmasters General (Regions)
 3. The Director, Postal Staff College India, Ghaziabad
 4. The Directors, Postal Training Centre, Saharanpur/Mysore/Vadodara/Darbhanga/Madurai
 5. All Directors/Dy Directors of Postal Accounts.

Subject: Compassionate appointment of dependents of EDAs - enforcement of the conditions of satisfactory service prior to death in harness - regarding.

Sir,

I am directed to state that according to the department's policy, a dependent of an ED Agent who dies in harness leaving his family in financial crisis may be considered for appointment on compassionate grounds in relaxation of normal rules of recruitment.

2. It has come to the notice of this office that in a few cases dependents of some deceased EDAs are being given compassionate appointments, in spite of the fact that the deceased EDAs were involved in cases relating to serious financial irregularities and the disciplinary proceedings would have led to their removal/dismissal from service.

3. Compassionate appointments, as the expression itself implies, is meant as a gesture of welfare and goodwill by the Government. Keeping in view the work done by the former EDA. Needless to say, such a gesture would not be at all permissible in the case of an EDA who was the subject of departmental proceedings for some wrong doings. Extension of the aforesaid welfare measure to the dependent or an EDA dying in harness can only be justified when the performance of the EDA was found to be satisfactory. Any deviation from this norm would be viewed seriously.

4. You are requested to bring the contents of this letter to the notice to all concerned for information/guidance and compliance.

5. Receipt of this letter is acknowledged to this office.

...2/-

Hindi version is enclosed.

Yours faithfully,

(U.S. PUKIA)
Asstt. Director General (ED)

Encl: As above.
Copy to:

1. SPB.I/SPB.II/Vigilance/Inspection/
2. PAP/PE.II/PE.I/CI sections of the Postal Dte.
3. All recognised Unions/Federations.
4. DDG(T&E)/Director(E)/ADG(ED), Postal Directorate.
5. DDG(PA-F)/PA wing, Lak Bhavan, New Delhi.
6. All Dealing Assistants, ED&ThG Section.
7. Spare/Guard file.

(U.S. PUKIA)
Asstt. Director General (ED)