

50/100 ✓
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 14/2004.....

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/ Cont. Petn/ Rev. App. 14/04

In O.A.

Name of the Applicant(s) Pranmod Kumar

Name of the Respondent(s) N. V. I. Gary

Advocate for the Applicant A. M. Mymdou, M. R. Hazarika

Counsel for the Railway C.G.S.C.

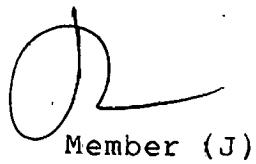
OFFICE NOTE | DATE | ORDER OF THE TRIBUNAL

This application is in
form but not in the
format. It is
filed/ not in C.F
for P.R. is posted
vide IPC/B/No/11638798/
Dated 20-1-04.

23.1.2004, Present: Hon'ble Shri Bharat Bhusan,
Member (J)
Hon'ble Shri K.V. Prahladan,
Member (A).

Heard the learned counsel
for the parties. Orders passed
separately.


K.V. Prahladan
Member (A)


Bharat Bhusan
Member (J)

Steps taken alongwith
envelope.


11.2.04
copy of the letter
alongwith copy of 115
application, have been sent
to the office for issuing
115 copy to the respondent
by speed post at the
cost of the applicant.



11.2.04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.14 of 2004

Date of decision: This the 23rd day of January 2004
(At Admisstion Stage)

The Hon'ble Shri Bharat Bhusan, Judicial Member

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

Shri Pramod Kumar
S/o Shri Jagat Kumar
Village: Balisatra, Via Sanekuchi,
P.O.- Balisatra, P.S. Rangia,
District- Kamrup, AssamApplicant
By Advocates Mr A.M. Mazumdar and
Mr M.R. Hazarika.

- versus -

1. The Union of India represented the
Secretary to the Government of India,
Ministry of Communication (Post & Telegraph)
New Delhi.
2. The Chief Post Master General,
N.E. Circle,
Shillong.
3. The Director of Postal Services Nagaland,
Kohima.
4. The Senior Superintendent of Post Offices,
Kohima Division, Nagaland.
5. The Post Master,
Kohima Head Post Office,
Nagaland, Kohima.
6. The Chairman,
Respective Circle Selection CommitteeRespondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

BHARAT BHUSAN, MEMBER (J)

The applicant seeks appointment on compassionate grounds. The case of the applicant is that his father, Shri Jagat Kumar was an employee of the Postal Department and was released from service on medical grounds on 8.12.2000. On that ground, the applicant seeks appointment on compassionate grounds. It is stated on behalf of the

applicant that the pension of his father is very meagre, so it is not possible for them to maintain their family and that none of his sisters are the earning members and he too is unemployed. He has particularly brought to our notice the fact that during mid of the year 2000 while returning to Kohima Head Post Office after collecting cash of Rs.39,000/- from Monkholo Sub Post Office and Kohima P.W.D. Sub Post Office, his father who was an employee of the Postal Department was attacked by miscreants and after being severely wounded and looted of the cash, his father was thrown from the top of a hillock and as a result though his father survived he was maimed and became invalid. This is the main ground for seeking the compassionate appointment. He contends that a representation dated 9.12.2001 had been made to the Chief Post Master General, N.E. Circle, Shillong, but the same has, so far remained unanswered. He further submits that he had approached the Hon'ble Gauhati High Court for the relief but the Hon'ble High Court has directed him to approach the appropriate forum i.e. the Central Administrative Tribunal. Consequently, he has approached this Tribunal.

2. Since the representation has remained pending so far, in our view it would be in the fitness of things if the respondents are directed to dispose of the representation within a period of fifteen days from today by passing a speaking and reasoned order. The respondents are accordingly directed.

3. The O.A. thus stands disposed of.

4. Copy of the order may be given to the learned counsel for the parties.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(BHARAT BHUSAN)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 14 /2004.

Sri Pramod Kumar

Guwahati Bench

Applicant.

Vs.

U.T.O.I. & Ors.

Respondents.

Synopsis

1. Annexure - 1 A - H.S.L.C. pass certificate.
2. Annexure - 1 B - O.B.C. Certificate.
3. Annexure - 2 - Official letter No. B2/Invalid pension/CH-1 by the Director of Postal Services, Nagaland, Kohima dated 2.11.2000.
4. Annexure - 3 - Medical Certificate for invalid pension passed on behalf of the petitioner's father.
5. Annexure - 4 - An Order passed by the Director of Postal Service, Nagaland, Kohima dated 21.12.2000 vide Memo No. B2/Invalid pension/CH-1.
6. Annexure - 5 - Part-I, Part-II and Part-III form submitted by the applicant for consideration of appointment on compassionate ground.
7. Annexure - 6 - Representation submitted to Chief Post Master General, N.E. Circle, Shillong dated 9.12.2002.
8. Annexure - 7 - Certified copy of the High Court Orders dated 9.12.2003.

Filed by
M. R. Hazarika
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 6

/2004

6
JAN 2004
87/107
Guwahati P.G.B.

Sri Pramod Kumar

Applicant

Vs
Union of India & Ors

Respondents

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Filed By
M. R. Hazarika
Advocate

DIST. KAMRUP.

मुख्य न्यायालय
सदर न्यायालय
६ जन २०११
गुवाहाटी नगर
গুৱাহাটী শহী

Filed by the petitioner
through
M. R. Starwicks
Advocate
21/1/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI.

Original Application No. /2004.

Between:

Shri Pramod Kumar, age 28 yrs.

S/O. Shri Jagat Kumar of

Vill: Balisatra, Via Senekuchi

P.O: Balisatra

P.S. Rangia

District Kamrup; Assam.

Applicant.

-AND-

The Union of India represented by

1. Secretary to the Govt of India Ministry of Communication (Post & Telegraph)
2. Chief Post Master General, N.E. Circle, Shillong -793001.
3. Director of Postal Services Nagaland, Kohima- 797001.
4. Senior Superintendent of Post Officers, Kohima Division, Nagaland.
5. Post Master, Kohima Head Post Office, Nagaland, Kohima, -797001
6. Chairman, Respective Circle Selection Committee.

Respondents.

Shri Pramod Kumar

DETAILS OF THE APPLICATION

1. Particulars of the order against which the application is made:

This application is made against the following orders.

- 1.1. Memo No. B2 / Invalid pension / Ch-1, dated Kohima the 2nd of November 2000 addressed to the Director Health Service, Nagaland, Kohima-797001 and a copy of which was also served upon the petitioners father.
- 1.2. Form for Medical certificate for invalid pension signed by the Chairman of other members of the Medical Board on 8-12-2000.
- 1.3. Memo No. B2/Invalid pension/ch-1, Dated Kohima the 21-12-2000 retiring the petitioners father on invalidation ground with effect from 8-12-2000 signed by the Director of postal Services, Nagaland Kohima-1.
- 1.4. Letter No. B1 / 32 / R / Pt dated 27-7-2002 which has been forwarded by the Supdt. of Pez. Kohima for appointment of the petitioner on compassionate ground.
- 1.5. Representation submitted to the chief Post Master General, N.E. Circle, Shillong-793001 dated 9th December 2002 by the petitioners father to appoint the petitioner on compassionate ground.

2. Jurisdiction of the Tribunal.

The applicant states that the subject matter of this application for which the applicant wants redressal is within the Jurisdiction of the Hon'ble Tribunal.

Contd/....

Sri Pramod Kumar

3. Limitation

The applicant states that instant application filed by the applicant before this Hon'ble Tribunal is within the time.

4. Facts of the case:

Facts of the case are as follows:

- 4.1. That the applicant is a citizen of India and a permanent resident of the aforesaid address and as such as a citizen of India, he is entitled to all the rights and privileges enshrined in the Constitution of India.
- 4.2. That the applicant before your Lordship, who belongs to OBC as recognized by the Govt. of Assam, who has passed his Matriculation/H.S.L.C. Examination in the year 1995 is the eldest son of Sri Jagat Kumar, who was compulsorily retired on medical ground while serving as a O/S cash at Kohima Head Post Office, in the district of Kohima, Nagaland. At the time when the petitioner's father was compulsorily retired his age was 54 years 4 months and 22 days considering his date of birth as per official record as 27/07/46, further more , Sri Jagat Kumar applicant's father has a family consisting of himself and other six members as his wife, three sons and two daughters.

Photocopy of the applicants matriculation certificate is annexed herewith and marked as Annexure-1.

Contd/....

Sri Pramod Kumar

- 4.3. That the applicant further begs to state that his father Sri Jagat Kumar Joined service in Kohima Head Post Office on 18th December 1965 as a Postman at the age of approximately 19 years and subsequently he was promoted on 1972 as Mail Officer and has been rendering his services satisfactorily as O/S cash till the date of 08-12-2000 when he was retired on medical ground and has been receiving invalid pension. Since his date of compulsory retirement on medical ground he had completed approximately 35 years of service life.

For that the applicant thinks that it is pertinent to mention herewith that, while on service, during mid of the year 2000. While returning to Kohima head Post Office after collecting cash of Rs. 39,000.00, from Monkholo Sub Post Office and Kohima P.W.D. Sub Post Office, he was attacked by miscreants and after being severely wounded and looted of the cash, he was thrown from the top of the hillock and as a result though he survived he was maimed and became invalid. Thereupon, F.I.R. lodged by the authority of the Post Office and he was admitted in the hospital by the staff of the Post Office.

- 4.4 That, thereafter, on an application for compulsorily retirement and invalid pension, as he was unable to perform his dittoes after the above mentioned incident, the then Director of Postal Services, Nagaland, Kohima requested the Director Health Services, Nagaland, Kohima to constitute a Medical Board and to examine the official (Jagat Kumar) and to give its findings as to whether he is fit to remain in service or not.

Contd....

Sri Pramod Kumar

Furthermore, the findings of the Board was to be given if form-23 for Medical certificate which was enclosed.

A photocopy of the official letter No. B2/Invalid pension/CH-1 by the Director of Postal Services, Nagaland, Kohima addressed to the Director Health Services, Nagaland, Kohima is annexed herewith and marked as Annexure-2.

4.5 That, there upon, on a careful examination of Jagat Kumar applicants father by the Medical Board constituted by and including the Civil Surgeon, /M.O. Kohima District and opinion which is as follows:-

"We consider he is suffering from frequent seizure attack to be completely and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to us to have been caused by irregular or intemperate habits.

H/O. Head injury presently suffering from seizure Actor off and on (Based on history). Hence, we consider him to be completely and permanently incapacitated for further service."

The said form of Medical Certificate for invalid pension was signed by the Chairman of the Board who is also the Civil

Contd....

Sri Pramod Kumar

Surgeon, Kohima District, Nagaland and other members constituting the Board.

A photocopy of the said for Medical Certificate for invalid pension passed on behalf of the petitioner's father is annexed herewith and marked as Annexure-3.

That, the applicant begs to state that, thereafter his father was retired on Medical ground of invalidity to resume duties and with effect from 08-12-2000 and thereafter was allotted invalid pension and as per the revised scale is getting an monthly invalid pension amounting to Rs. 2,700.00.

A photocopy of such an order passed by Director of postal services, Nagaland, Kohima is annexed herewith and marked as Annexure-4.

4.6. That, the applicant begs to state that the pension was hardly enough to maintain their family as the lion's share of it was spent on his father's medication and he applied for appointment on compassionate ground as there was a provision for dependents of Central Government servant compulsorily retired on Medical ground before the attaining the age of 55 years and such provision for compassionate appointment can be made up to 5% of direct recruitment vacancies.

Contd....

Sri Pramod Kumar

- 7
- 4.7. That the applicant following the due procedure of the mode of applying for compassionate ground, filled up the necessary forms and submitted the same to the office of the Director of Postal Services, Nagaland, Kohima. In this regard it is needless to say that the petitioner had submitted the Part-I, Part-II and Part-III forms in the year 2001.

Photocopies of Part-I, Part-II, & Part-III forms are enclosed herewith and marked as Annexure-5 series.

- 4.8. That the applicant begs to state that, thereafter despite several reminders by himself as well as his father his case has been lying unattended and has not yet been disposed off.
- 4.9. That the applicant beg to state that his father Sri Jagat Kumar had submitted a representation on 27/07/02 to the Director of Postal Services, Nagaland, Kohima and it was addressed to the Chief Postmaster General, N.E. Circle, Shillong -793001. The said representation was processed and forwarded by the Superintendent of Post, Head Quarter, Kohima, vide divisional Office letter No. B1/32/R/Pt dated 27/07/02 but is yet to be disposed off by the office of the Chief Postmaster General, N.E. Circle, Shillong.
- 4.10. That the Applicant states that his father had yet submitted another representation, thought this time directly to the Chief Postmaster General, N.E. Circle, Shillong-793001 on 9th of December 2002

Contd/....

Sri Pramod Kumar

for appointing his son on compassionate ground, but it has almost been a year since then, and is yet to be disposed off.

A photocopy of the said representation submitted to the Chief Post Master General, N.E. Circle, Shillong-1 on 9th December 2002 praying for appointment of his son on compassionate ground is annexed herewith and marked as Annexure-6.

- 4.11. That the petitioner begs to state that there is a post of Postal Assistant (instant P.A.) and three posts of Postman are lying vacant at the disposal of Respondent No. 2 and 3 and for appointment in which the petitioner is qualified.
- 4.12. That, the petitioner begs to submit that the appointment to the dependants of the person who "retire on medical ground is to ensure that the family of such a central Government Servant, does not suffer from extreme financial difficulties and such unemployment is to be provided to one of the dependants of the Central Government only if there is no other member of the family already in the employment of the state Government or the Central Government or corporations, undertakings or such other bodies of the Central Government. The sole intention is to ensure that the family gets the benefit of having at least one salaried person subject to the qualification, availability of service of the appropriate category and having record to the Roster Point, educational qualification, age, etc.

Contd/....

Sri Pramod Kumar

The petitioner further submitted that inspite of qualifying all the basics as mentioned above, his prayer for appointment on compassionate ground has been turned down over the last 3 years, as there is a Rule that compassionate appointment of dependents of Central Govt. servant retired compulsorily on medical ground should made within three years and this limitation period of three (3) years shall expire on 09-12-03 and as such, is now fit case to be interfered by this Hon'ble Forum.

4.13 That the petitioner further begs to submit that the scheme "compassionate appointment" itself is aimed to give immediate relief and solace to the family to save them from immediate relief and solace to the family to save them from immediate financial crisis faced on the sudden and untimely retirement of the bread winner.

Thus the benefit of appointment on compassionate ground under "retirement on medical ground before attaining the age of 55 years" should have been made available to the petitioner in accordance with the terms and conditions laid down in the said scheme whereby 5% of the post are reserved on the said ground.

4.14 That the petitioner states that despite his financial constraints, all these years since 08-12-2000, he had been frustrated with his efforts and felt let down as because he had demanded justice but the same has been denied to him and the said representation is lying unattended if in the office of the post Master General, N.E. Circle, Shillong-1.

Contd/....

Sri Pramod Kumar

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS.

- 5.1 For that the, compassionate appointment is applicable to the applicant as his father had retired on medical ground before attaining the age of 55 years (57 years in the case of group D officials)
- 5.2 For that the word "Dependent" does include son/daughter, for the purpose of appointment on medical ground.
- 5.3 For, that the minimum age limit may be relaxed whenever necessary, though the applicant has not crossed the age of 28 years.
- 5.4 For that the applicant belongs to OBC & as such to be adjusted in the recruitment roster against the appropriate category.

6. DETAILS OF THE REMEDY EXHAUSTED

That the applicants father had submitted a representation dated 9th December 2002 to appoint the applicant on compassionate ground to dispose off the official letter No. B1/32/R/Pt dated 27-7-2002.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The matter was moved before the Hon'ble Gauhati High Court on 9-12-03 and same has been disposed off with a direction to file it before the appropriate court (Forum) / Tribunal.

Contd/....

Sri Pramod Kumar

Now, the applicant declares that the matter regarding which the application is made is not pending in any other court of law or any other authority or in any other Bench of the Tribunal.

8. RELIEF SOUGHT.

In view of the fact mentioned in paragraph-4 the applicant prays for the following relief.

- 8.1 For issuing a direction, that the applicant be appointed to either of the vacant post of personal assistant (in short, PA) or as postman within a period which your Lordships deem fit.
- 8.2 For such further and other reliefs as to this Hon'ble Tribunal may deem fit & proper under facts and circumstances of the Case and in the interest of justice.
9. That this application has been filed through Advocate.

9. DETAILS OF ENCLUSES

10.1 H.S.L.C. pass certificate Annexure-IA	Page No. - 13
10.2 O.B.C. Certificate Annexure-IB.	Page No.- 14
10.3 Office Memo No. B2/ Invalid pension /Ch-1 dated 2-11-2000 Annexure-2.	Page No.- 15
10.4 Medical form for Invalid form. Annexure-3.	Page No.- 16
10.5 Memo No. B2/Invalid pension /Ch-1 dated Kohima 21-12-2000 Annexure-4.	Page No.- 17
10.6 Part I,II, III form submitted by the applicant for consideration of appointment on compassionate ground. Annexure-5 series.	Page No.- 18 to 20

Contd/....

Sri Phanroo Kumar

- 10.7 Copy of representation submitted to chief Post Master General,
N.E. Circle, Shillong- 793001. Annexure-6. Page No.- 21-22
- 10.8 Certified copy of the High Court Orders Annexure-7. Page No.- 23-27

VERIFICATION

I, Shri Pramod Kumar, son of Shri Jagal Kumar, resident of
Village Balisatra, via senekuchi, P.O. Balisatra, P.S. Rangia district
Kamrup, Assam aged about 28 years, do hereby verify that the
contents from paragraphs 1 to 10 of the above application are true
to my knowledge and I have not suppressed any material facts.

I sign this verification on this 21st day of Dec. 2008.

Sri pramod Kumar

P. B. KANIHA HIGHER SECONDARY SCHOOL
P. O.—KANIHA, Dist. KAMRUP (ASSAM).—1942
TRANSFER CERTIFICATE

Book No.

Serial No 261

Date: 27.6.1995

Certified that Shri/Srimati Pramod Kumar
Son/daughter of Sri Jagat Kumar an inhabitant of
Village...Balisatra P.C. Balisatra P.S. Karjena in the
district of Kamrup, left P. B. Kaniha Higher Secondary
School on 31.3.94. His/Her date of birth as per School
Admission Register is 2-2-77. He/She was reading in
Class... 8 (Std) and Passed/Could not pass the Annual
Examination in for promotion to class

H.S.L.C./H.S. Arts Examination in 1995 under Roll No. 262
No. 26 in 1 (Std) Division/compartment. All sums
due by him/her have been paid; viz. 3 es. up to 31.3.94

Fines.....

J.C = 10.00

Character.....

Reasons for leaving—

- Certified to be true
M. A. H. K. Advocate
21/4/95
- (i) Unavoidable change of Residence
 - (ii) Ill health
 - (iii) Completion of School Course.
 - (iv) Minor reasons.

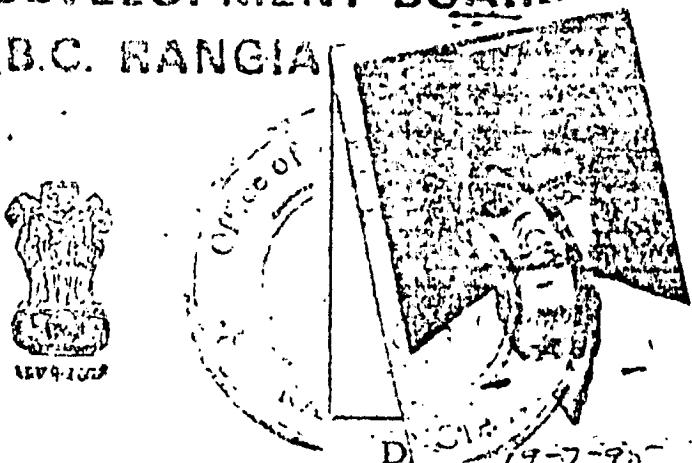
Attested
for this
student

F. B. Kaniha H. S. School
P. O. Kaniha
21/4/95

Principal
P. B. Kaniha H. S. School
P. O. Kaniha
21/4/95

Principal
P. B. Kaniha Higher Secondary School
P. O. Kaniha
21/4/95

GOVT. OF ASSAM

SUB-DIVISIONAL DEVELOPMENT BOARD
FOR O.B.C. RANGIA

Sl. No.-3186

CERTIFIED that Shri/Shrimati Ganesh Kumar
 .../daughter/wife of Shri/Lie Jugal Kumar
 of Patnali Village / Town
 .../her Kojan P. S. of the Rangia Sub-Division in the
 District of Kamrup Assam belongs Kamrup which
 is recognised as other backward / more other backward class by the
 Govt. of Assam.

His / her family generally resides at Patnali
 Village / Town under Kojan P. S. in the District
 of Kamrup Assam.

19-7-95
 Counter Signed of
 S.D.O. (Civil)
 (Seal)

Chairman, Sub-Divisional Development
 Board for O.B.C. Rangia
 (Seal)

Certified to be true
 Dr. S. D. O. C. Rangia
 M. R. Halamka 21/4/95
 21/4/95

ANNEXURE-2

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES

NAGALAND: KOHIMA- 797001

No. B2/Invalid pension/Ch-1

Dtd, Kohima the 2.11.00

To,

The Director Health Services
Nagaland, Kohima- 797001

Sub:- Medical Examination for Invalid pension.

Sir,

Shri Jagat Kumar O/S cash Kuhima Head Post office has applied for invalid pension on Medical ground. It is, therefore, requested that a medical board may kindly be constituted to examine the official and give its findings as to whether he is fit to remain in service or not.

The finding of the board may kindly be given inform-23 for medical certificate which is enclosed. As per official record his date of birth is 20.7.46.

Yours faithfully,

(F.P. Solo)

Director of Postal Services
Nagaland, Kohima-797001

Copy to:-

1. Shri Jagat Kumar O/S cash Kohima HO. w.r.t. his application dtd. 1.11.00, he is requested to appear before the medical board as and when called for.

to be done
(F.P. Solo)

Director of Postal Services
Nagaland Kohima-797001

*Certified to be true
Copy
M.R. Hrani
Advocate
2/4/09*

FORM FOR MEDICAL CERTIFICATE FOR INVALID PENSION

Certified that We have carefully examined Shri/Smti JOGATH KUMAR Son of Late Gonostam Kumar in the Post office His age is by his own statement 50 Years and by appearance about 50 Years.

We consider His suffering from frequent Seizure ATTACK to be completely and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me/us to have been caused by irregular or intemperate habits.

H/o Head injury

Presently suffering from

Seizure Attack

1. Hence, we consider him to be completely blind and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me/us to have been caused by irregular or intemperate habits.

KOHIMA DISTRICT : KOHIMA : NAGALAND.

~~Chairman~~

~~Civil Surgeon~~

~~Kohima District~~

~~Kohima, Nagaland~~

8-12-2000

~~Ass't. Civil Surgeon~~

~~Under Civil Surgeon~~

~~Kohima, Nagaland~~

2. (DR. M. A. EZUNG)

ASSTT. CIVIL SURGEON/M.O.

KOHIMA DISTRICT:

8-12-2000
Ass't. Civil Surgeon
Under Civil Surgeon
Kohima, Nagaland

3. (DR. ADI BELHO)

D.F.W.O/D.I.O/M.O.

KOHIMA DISTRICT:

8-12-2000
Ass't. Civil Surgeon
Under Civil Surgeon
Kohima, Nagaland

Certified to be true (spur)
M. R. Shanti Advolet
21/1/04

ANNEXURE-4

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND: KOHIMA- 797001

No. B2/Invalid pension/Ch-1
Dtd, Kohima the 21.12.00

Shri Jagat Kumar O/S cash Kohima HO is hereby permitted to retire on Invalidation ground with effect from 8.12.00.

(F.P. Solo)
Director of Postal Services
Nagaland, Kohima-797001

Copy to:-

1. The Postmaster, Kohima HO for information and n/action.
2. The Budget Section Divisional Office, Kohima for information and n/action ((I) one M.C., enclosed.)
3. Shri Jagat Kumar O/S Cash Kohima HO
4. Spare.

(F.P. Solo)
Director of Postal Services
Nagaland Kohima-797001

Certified to be true copy
M. R. Hmarika
Advocate
21/12/04

XVII

Particulars of the deceased / invalid pension employee

i. Name : SRI JAGAT KUMAR
EX-C/S Cash, Kuchma HC

ii. Designation :
iii. Date of birth : 20.07.1946

iv. Date of death / retirement on invalid pension : 9.12.2000

v. Date of superannuation : 31.07.2006

vi. Total length of service rendered : 33 years

vii. Whether Permanent or Temporary : Permanent

viii. Whether belonging to SC/ST/OBC : OBC

ix. Name of the candidate for appointment : SRI Pramod Kumar

x. His/her relationship with the government servant : Son

xi. Date of birth : 02.02.1972

xii. Educational qualifications : HSLC Passed.

xiii. Whether any other dependent family member has been appointed on compassionate grounds : No.

B. Financial Status of the family

Terminal Benefit. Paid to the official who retired on invalidation / to the family of the official who expired in harness.

- (i) Family pension (Basic and DR separately please indicate the latest amount) : Provisional pension 2000/- DR 800/-
w.e.f 9.12.00.
- (ii) D.C.R. G. : Provisional DCRG Rs 60000/-
Not received
- (iii) G.P.F. Balances : NIL
- (iv) Life Insurance Policies (PLI, etc.) : yet to be received
- (v) C.G.E.I.S amount : NIL
- (vi) Encashment of leave : NIL
- (vii) Any other items : NIL
- (viii) Total amount of terminal benefits : Rs 62800/-

C. Assets and Other sources of Income etc.

- i. Immovable property : NIL
- a. Agricultural land - Size, income cultivable or not, income from the land. : Rs 2000/-
- b. House, (approximate value of the house) : NIL
- ii. Movable Property (Fixed deposit, etc.) : NIL
- iii. Annual Income from other sources.. : NIL
- iv. Where does the family live ? In own house or rented. Please give details. (The residential address of the family should be given) : in own house
Balisatra, Van - Samruddhi
Kamrup, Assam.
- v. Liabilities
- Brief details of the liabilities :
- Education of minor children, : 5
 - Marriage : 2.
 - Loans - amount taken, proof etc : Nil
 - Others : Nil

Certified to be true
M. R. Huchuk
21/4/04

21/6

II. Particulars of all dependents of the Govt. servant

Note 1 "Some family members are employed their income and whether they are living separately should be clearly indicated

Sl. No.	Name	Relationship with the Govt. servant	Date of birth	Employed or not (Please give details asked in Note 1)	Educational qualifications	Marital Status	Whether living with the family or separately from the family; give address if living separately
1.	Jagrat Kumar	Self	20.7.46	Self Retd.	—	M.	23
2.	Smt. Namruti Kumar	wife	1.9.56	Not	—	M.	350
3.	Smt. Premod Kumar	Son	2.2.77	do	HSLC	Un-m.	22
4.	Smt. Kalpana Kumar	daughter	17.5.75	do	P.U.	do	22
5.	Sri Prabin Kumar	Son	11.6.81	do	Matriculation	do	22
6.	" Rubal Kumar	Son	2.3.83	do	do	do	22
7.	Smt. Aloka Kumar	daughter	29.6.85	do	do	do	22

DECLARATION

- I hereby declare that the facts given by me above are, to the best of my knowledge, correct. If any of the facts herein mentioned are found to be incorrect, or if at any future date my service may be terminated,
- I hereby also declare that I shall maintain properly the other family members who were dependent on the Government servant mentioned against him. If this form and in case it is proved at any time that the family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Date of filing the Synopsis:

Sri Premod Kumar
Signature of the candidate

Present Residential Address of the candidate: 11-P.O. Batisattra via Sanekuchi Dist Kalyan

Signature is known to me and the facts mentioned by him are correct

Signature

Date

Name & address of the parent Govt. servant

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

Signature

Name and address of the Verifying Officer

(With seal)

Details of the candidate and recommendations of the CPAG

- (1) Name of the candidate for appointment. SIC Ravinder Kaur
- (2) His/her relationship with the Govt. servant. Son
- (3) (a) Educational qualifications, (b) Age (date of birth) and (c) experience, if any. H.S. L.C. Passed
DOB :- 02.02.1977
Experience :- N.I.
Postman Cadre.
- (4) Post for which employment is proposed. Also specify whether it is a Group C or D post
- (5) Whether the post is to be filled in Central Secretariat Clerical Service (CSCS) or not. NO
- (6) Whether the relevant Recruitment Rules provide for direct recruitment. NO
- (7) Whether the candidate fulfills the requirements of the Recruitment Rules for the post. Yes
- (8) Apart from waiver of Employment Exchange/ SSC procedure what other relaxations are to be given.
- (9) Whether the facts mentioned at Part I have been verified by the office and if so, indicate the records.
- (10) If the Govt. servant died/retired on invalid pension more than five years back reasons for not sponsoring the case earlier. Does not arise
- (11) Recommendations of the Head of the Division.
- (12) Signature of the Head of the Division and seal, (with date)

RECOMMENDATION OF THE HEAD OF THE DIVISION
 (Please give categorical recommendation and also the reasons for the recommendation.)Signature of the Head of the Circle
 (affix seal)

Date :

Certified to be true copy
M/s. Harshita Advocates
11/1/19

ANNEXURE-6

To,

The Chief Postmaster General,
N.E. Circle, Shillong-793001.

Dated Guwahati, the 9th December, 2002.

Sub : Appointment of son on compassionate ground.

Respected Sir,

I have the honour to state that I have retired from service as D/S Cash Kohima on invalidation ground w.e.f. 8.12.2000. The amount of my pension is so meagre that it is not possible to maintain my family as none of my children are able to earn their livelihood. My son Shri Premode Kumar, who has passed the Matriculation examination is the only able person who may earn something to help me in maintaining the family in my old age.

I have submitted application to your office for his appointment as Postman on relaxation of P.M.C. Rules on a compassionate ground and my application was forwarded by the Superintendent of Pos, Kohima via letter No. 81/32/R/PT dated 27.7.2002 to your office. But till date no favourable action has been taken for his appointment.

*Certified to be true
Copy
M. R. Bhawika
Advocate
21/4/04*

I had served the Department very diligently and efficiently for long 35 years after which I was invalid by some miscreants while I was carrying cash from Monkhola P.O. and I.P.C.D.B.S. to Kohima H.O. when I was bitten severely on the occasion.

Contd... P.

A bereaved and unfortunate ex-D. S. Cash of the great Department of Posts, India, requests your kind honour to look into the case and take early favourable action for appointment of the eligible son of an unfortunate ex-official who served the department even at the edge of danger while carrying cash and who is now facing untold financial hardship in maintaining the family leading them to live half starved life.

It is hoped that your honour will bear with my difficulties and arrange early action to appoint my son on compassionate ground and save my family thereby.

I remain Sir,

Yours faithfully,

(JAGAT KUMAR)
Ex-D/S Cash, Kohima,
Vill. & P.O. Daliotsra,
Via Sanekuchi,
Dist. Karxivap (Assam).

.....

लाप्त करने का दिन वर्ष
तारीख
Date of application for
the copy.

स्टॉप जारी कालांगा का अधिकारी
संस्था सूचित करने की मिहिपित
तारीख
Date fixed for notifying
the requisite number of
stamps and folios.

देने की तारीख-2 B
Date of delivery of the
requisite stamps and
folios.

प्रतिलिपि तैयार हो
Date on which the copy
was ready for delivery.

तारीख
Date of making over the
copy to the applicant.

तारीख ANNEXURE-7

10/12/03 10/12/03 10/12/03 16/12/03 17/12/03

29

IN THE GAUHATE HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

Case No. 9936 of 2003

Appellant

Petitioner

Sri Pramod Kumar

Versus

Union of India & Ors

Respondent

Opposite Party

Appellant Mr. A.M. Mazumdar

For Petitioner Mr. M.R. Hazarika - Adv.

Respondent

For Opposite Party C.A.S.C

✓ Certified to be true copy
Mr. R. Hazarika
Advocate
21/4/04

- 24 -

60

1950-1951

✓

IN THE MATTER OF

Sri Pramod Kumar, age 28 years, S/o.

Sri Jagat Kumar, vill.- Balisatra via

O/S Case No.

Topper Bagan

Sanekuchi, P.O. Balisatra P.S.

Rangia, Dist. Kamrup, Assam.

Petitioner.

Versus

The Union of India, represented by:-

1. Secretary to the Govt. of India Post and Telegraph Dept., New Delhi.

2. Chief Post master General, North East Circle, Shillong-793001.

3. Director of Postal Services, Nagaland, Kohima,-797001.

4. Post Master, Kohima Head Post Office, Nagaland, Kohima,-797001.

Respondent

NO	1	2	3	4	5
	9.12.03.			BEFORE	32

HON'BLE MR. JUSTICE B.M.SHARMA.
Heard the learned counsel for
the parties.

This writ petition has been filed
making a prayer for compassionate appointment.
The father of the petitioner was an employee
of the postal department who was released
from service on medical ground on 8.12.2000.
The petitioner seeks for his appointment
in the postal department.

The matter relates to recruitment
of the petitioner in the postal department.

...

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p style="text-align: center;">-2-</p> <p>In view of the provisions of P.A.T. Act, 1985 and the law laid down in L.Chandrakumar's case reported in 1997(1) GLT) this Court is not inclined to entertain the writ petition at this stage. The petitioner may approach the appropriate forum C.A.T. if so advised.</p> <p>This writ petition stands disposed of.</p>

*S. V. S. Narine
S. V. S. Narine*

CLERK OF THE COURT
Mr. S. V. S. Narine
Date 17. 8. 2001
Superintendent (C)
Garhapaty, H.C.
Authorised U/ 76, C.I, R.J.

*P.W. 5251
10/2/03*