

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 335/04.....

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SECTION OFFICER (Judl.)

FORM No. 4

(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 335/04

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants:- L. R. Das

Respondents H. O. I. Jais.

Advocates for the Applicant Mr. U. K. Nair, Mrs. U. Das

Advocates of the Respondents C. G. Se.

Notes of the Registry Date Order of the Tribunal

23.12.2004

This application is in form
is filed/C. F. for Rs. 10/-
deposited vide P.O. No. 206/359/11
Dated 21-12-04

N. Jais
22/12/04
Dy. Registrar

Heard Mr. U.K. Nair, learned
counsel for the applicant.

The application is admitted,
call for the records.

List on 31.1.2005 for orders.

Member (A)

mb

09.02.2005

Present : The Hon'ble Mr. M.K. Gupta
Judicial Member.

None appears for the parties.

Adjourned to 30.3.2005.

Member (J)

mb

Steps taken.

Pr.

Notice & order
sent to D/Section
for issuing to
resp. Nos. 1 to 5, by
regd. A/D post.


7/1/04.

Notice duly served
on resp. No-1.

8/2

30.3.2005 Present : The Hon'ble Mr. Justice
G. Sivarajan, Vice-Chairman.

Mr. U.K. Nair, learned counsel
for the applicant is present. Mr. A.K.
Chaudhuri, learned Addl. C.G.S.C. for
the respondents submits that some more
time is required for filing written
statement. Post on 3.5.2005.


Vice-Chairman

mb

6.5.2005 List it for hearing on 3.6.2005.
In the meantime rejoinder, if any,
shall be filed.


Member

bb

3.6.2005 Ms. U. Das, learned Addl. C.G.S.C.
appearing on behalf of Mr. U.K. Nair,
learned counsel for the ~~xx~~ applicant
seeks adjournment. Dist on 17.6.2005.



Member (A)

mb

17.6.2005 Present: Hon'ble Justice Shri G.
Sivarajan, Vice-Chairman
Hon'ble Shri K.V. Prahladan,
Administrative Member.

At the request of Ms U. Das on
behalf of Mr U.K. Nair, learned
counsel for the applicant, the case
is adjourned to 6.7.05 before the
Division Bench.


Member


Vice-Chairman

nkm

29-3-05


5/12. Answer.
No W/S has been
filed.
28

28.4.05


W/S filed by
the Respondent Nos. 1, 2, 3
& 4.



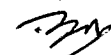
5-5-05

W/S has been filed.


2-6-05


No rejoinder has been
filed.


W/S has been filed.


16.6.05

① W/S filed on behalf
of R.No-1, 2, 3 & 4.

② No Rejoinder has
been filed.


5.7.05

O.A. 335/2004

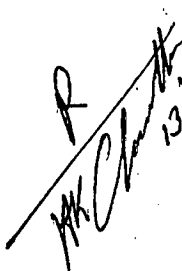
06.07.2005 Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order passed in separate sheets.


Vice-Chairman

mb

20.7.05

Copy of the Judgment
has been sent to the
Office for issuing
the same to the applicant
by post.
sth.


13/7/05

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 335 of 2004

DATE OF DECISION : 06.07.2005

Shri L. R. Das

APPLICANT(S)

Mr. U.K. Nair

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

no
G. Sivarajan

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 335/2004

Date of Order : This the 6th day of July, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice Chairman.

Shri Lakshmi Ram Das,
Son of Late Purna Chandra Das,
Resident of Village Bhabanipur, Chayygaon,
District - Kamrup, Assam.

... Applicant.

By Advocate Mr. U. K. Nair.

- Versus -

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Chief Post Master General, Assam,
Meghdoot Bhawan, Guwahati.
3. The Senior Superintendent of Post Offices,
Guwahati Division, Guwahati.
4. The Sub-Divisional Inspector (Posts),
Bijohnagar Sub-Division,
Bijohnagar, District - Kamrup, Assam.

... Respondents.

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

.....

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ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicant is the son of late Purna Chandra Das who died on 27.7.1999. Late Das was employed as Postman under the Respondents and he died while in service. The applicant who is the son of late Purna Chandra Das made an application for compassionate appointment. Since there was some doubts with regard to the name and age of the applicant there were correspondences between the respondents and the applicant and ultimately the respondents by communications dated 5.10.2002 and 5.11.2002 requested the applicant to produce certain details. The applicant however did not furnish the same. Hence, the respondents did not pursue the matter. The applicant has filed this application seeking for direction to the respondents to appoint him on compassionate ground against any post commensurating to his qualification.

2. The respondents have filed their written statement. Paragraph 6 of the written statement narrated the details of doubts entertained and details of correspondences made between the respondents and the applicant. In the said paragraph it is stated as follows :-

"In this connection the applicant was requested vide this office letter No. B/A-27-799 dated 5-10-01 followed by a remainder dated 5-11-01 to clarify on above points and asked to obtain fresh School and Board certificates in the name of the applicant but not Medhi and to submit it to this office with out fail but nothing has been received from him till date. Both the letter was dispatch to him through Regd. Post and was to delivered to him in time (copy of the letter is enclosed as Annexure - VIII and IX)."

It is further stated in paragraph 8 of the written statement that no reply was received on the queries mentioned in the last paragraph of

Jps


para - 6 of the written statement and hence further processing of the file did not arise.

3. I have heard Mr. U.K. Nair, learned counsel for the applicant and Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

4. Mr. U.K. Nair, has placed before this Bench a communication dated 10.03.2005 issued by the Sr. Superintendent of Post, Guwahati Division, Guwahati addressed to SDI (P), Bijohnagar Sub-Division with copy to the applicant. The applicant was requested to furnish the required information documents to SDI(P) Bijohnagar at an early date. Counsel for the applicant submits that the applicant is living below poverty line and that he did not have the requisite resources for applying and obtaining the records sought for by the respondents. Counsel submits that the applicant will obtain relevant records and produce the same before the respondents as mentioned in the letter dated 10.03.2005.

5. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents submits that if the applicant produces relevant records, certainly the respondents will consider the same and pass appropriate orders in accordance with law within a reasonable time.

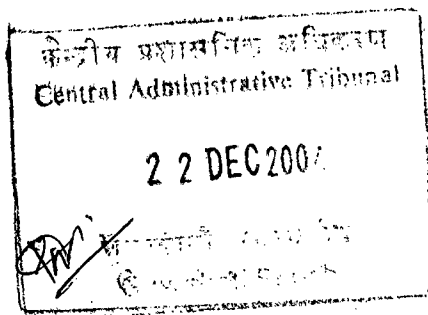
6. In the circumstances, the applicant is directed to furnish the relevant records, mentioned in Annexures - VIII & IX as well as in the letter dated 10.03.2005 or any other satisfactory records obtained from competent authorities within a period of two months from the date of receipt of this order. If the applicant produces the relevant records, the respondents will process the same and pass appropriate orders within a period of two months thereafter.



The O.A. is disposed of as above. The applicant will produce this order alongwith details to the concerned respondents for compliance.


(G. SIVARAJAN)
VICE CHAIRMAN

mb



THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

O.A. No. 335 of 2004

Shri Lakshmi Ram Das

... Applicant

-VS-

The Union of India & Ors

.... Respondents

SYNOPSIS

The father of the applicant Late Purna Chandra Das had died in harness on 27.7.199 and at the time of his death the father of the applicant was working as a postman under the Respondents. Pursuant to the death of his father the burden of maintaining his family fell upon the shoulders of the applicant and there being no person gainfully employed in the family it was becoming impossible for the applicant to make both the ends meet and accordingly he prayed for his appointment on compassionate grounds against any post commensurating to his educational qualification. The case of the applicant was processed and the Respondent No.3 caused an enquiry to ascertain the need for the applicant for an appointment on compassionate ground. In the enquiry it was revealed that the family of the applicant was below the poverty line and was in need of a regular source of income. The applicant also satisfactorily replied to the queries that were raised. In spite of the said position the Respondent authorities

are yet to pass appropriate orders towards appointing the applicant on compassionate grounds and thereby provide a mooring to the lives of the applicant and his family members. Left with no other alternative the applicant has by way of this application come under the protective hands of your Lordships praying for redressal of his greivances.

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

O.A. No. 335 of 2024

Shri Lakshmi Ram Das

... Applicant

-VS-

The Union of India & Ors

....Respondents

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Filed by:

Anni Booda

Advocate.

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

O.A. No. of 2024

BETWEEN

Shri Lakshmi Ram Das, son of Late
Purna Chandra Das, resident of
village Bhabanipur, Chayygaon,
District-Kamrup, Assam.

... Applicant

- AND -

1. The Union of India,
represented by the Secretary to
the Government of India, Ministry
of Communications, Department of
Posts, New Delhi.
2. The Chief Post Master
General, Assam, Meghdoot Bhawan,
Guwahati.
3. The Senior Superintendent of
Post Offices, Guwahati Division, Guwahati.
4. The Sub-Divisional Inspector
(Posts), Bijohnagar Sub-Division,
Bijohnagar, District-Kamrup, Assam.

... Respondents

Filed by:

The Applicant

Through

Unni Krishnan

Advocate

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DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application is directed against the arbitrary and illegal action on the part of the Respondent authorities, in not considering the case of the applicant for appointment on compassionate grounds, pursuant to the death of his father Purna Chandra Das on 27.7.99 while in service under the Respondent authorities.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and permanent resident in the State of Assam and as such he is entitled to all the rights, privileges and protections guaranteed under the Constitution of India and the laws framed thereunder.

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4.2 That the Applicant states that he belongs to the Kaibortta Community which is recognised as a Schedule Caste Community under the Constitution (Schedule Caste & Schedule Tribes) Order, 1950 and as such he is entitled to the special protections as provided to persons belonging to such communities in matters of reservation of posts in services.

4.3. That your applicant states that his father Purna Chandra Das while working as a Postman under the Respondents died in harness on 27.7.99. The father of the applicant at the time of his death was suffering from Tuberculosis.

4.4. That pursuant to the death of his father the burden of maintaining the family has fallen upon the shoulders of the applicant and there is no any other member in the family gainfully employed. As such the applicant approached the authorities for considering his case for appointment on compassionate grounds. The applicant made several requests both written and verbal before the authorities in this connection. The applicant in continuation of his earlier prayers for appointment on compassionate ground, again vide his representation dated 24.1.2000, inter alia, drew the attention of the Respondent No.3 to the repeated requests made by him for appointment on compassionate grounds and prayed for his such appointment at the earliest against any vacant post commensurate to his educational qualification.

A copy of the said representation dated 24.1.2000 is annexed as Annexure-1.

4.5 That your applicant states that the Respondent No.3, accepted the prayers as made by the applicant for his appointment on compassionate grounds and vide communication dated 29.8.2004 proceeded to direct the Respondent No.4 to cause an enquiry and furnish the family particulars of the applicant, including the financial position of the family.

A copy of the said communication dated 29.8.2004 is annexed as Annexure-2.

4.6. That the Respondent No.4 as directed proceeded to cause an enquiry and on completion of the same submitted his report along with an undertaking as obtained from the applicant to the effect that he would maintain his dependants in the event he is appointed on compassionate Grounds. The Respondent No.4 on enquiry gathered that the family of the applicant was below the poverty line and accordingly the said aspect of the matter along with the annual income of the family was incorporated in the said report.

A copy of the said report along with the undertaking as taken from the applicant are annexed as Annexures-3 and 4 respectively

4.7 That the applicant states that inspite of submission of the said report and the details as contained therein, the Respondent No.3 failed to pass

appropriate orders towards engagement of the applicant on compassionate grounds and the applicant and his family were expecting passing of such orders and with this expectation were bearing the difficulties that had befallen upon their family pursuant to the death of the father of the applicant. Poised thus the applicant was shocked and surprised to receive a communication dated 5.11.2002 wherein it was alleged that the applicant had not responded to the queries as made by the Respondent No.3 vide his communication dated 5.10.2001, a copy of the said communication dated 5.10.2001 was also enclosed along with the said communication dated 5.11.2002. It may be stated here that the applicant was not aware of the communication dated 5.10.2001, before the receipt of a copy of the same along with the communication dated 5.11.2002.

Copies of the said communications dated 5.10.2001 and 5.11.2002 are annexed as Annexures-5 and 6

4.8. That your applicant states that on receipt of the communication dated 5.11.2002, he proceeded to meet the queries as put to him vide the communication dated 5.10.2001. The applicant along with his mother met the Respondent No.3, and clarified the queries as raised vide the said communications.

As regards the query pertaining to the post for which employment was sought for, the applicant had pointed out the post as mentioned by him in the

Annexure-4 undertaking and had clarified that he was willing to work against any vacant post against which he may be appointed by the authorities on compassionate grounds.

The applicant had by producing a copy of his Matriculation admit card proceeded to clarify that his date of birth as recorded in his school records was 1.11.72 and the date 1.11.75 as recorded in the report as submitted by the Respondent No.4 may be out of inadvertence. The applicant had prayed that his case be considered by considering his date of birth to be 1.11.72.

As regards the third query the applicant clarified that he was the son of late purna Chandra Das and his father had recorded his name in his school records as "Lakshmi Ram Medhi" in place of "Lakshmi Ram Das". The applicant had also in this connection submitted an affidavit towards changing his surname from "Medhi" to "Das". As regards the question of notification of the same through newspaper the applicant stated before the authorities that the financial position of their family prevented him from doing so.

4.9 That the applicant states that the clarifications as given by him were accepted by the Respondent No.3 and he was assured that his case for appointment on compassionate grounds would be processed and taken to its logical conclusion at the earliest. The applicant

had met the queries as raised in the communication dated 5.10.2001 way back in the month of December 2002, but inspite of lapse of considerable period of time the Respondent authorities are yet to pass appropriate orders as regards his case for appointment on compassionate grounds.

4.10. That your applicant states that there is already a declaration as given by his father as regards his family members, available in his service records and his mother is being paid family pension on account of being the heir of Late purna Chandra Das and in the event the authorities had any doubt as regards the bonafide of the claim of the applicant, they could have satisfied themselves about the same by initiating an enquiry and by taking a statement from the mother of the applicant and could have proceeded and passed appropriate orders appointing the applicant on compassionate grounds.

4.11. That the applicant states that inspite of the said position orders towards appointing him on compassionate grounds is yet to be issued by the concerned authorities and for no fault of theirs the applicant and his family members are forced to undergo untold miseries and sufferings. There being no any other earning member in the family and the applicant and his family members having no any other source of income, it has virtually become difficult for them to even manage their day to day needs.

2

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4.12. That the applicant states that ever since the death of his father, it has been a story of running from pillar to post praying for his appointment on compassionate grounds, but in spite of submission of all the requisite particulars and also availability of posts for his such appointment, the applicant is yet to be appointed on compassionate grounds. The applicant is not in a position even to manage two square meals for himself and his family members living aside the question of meeting for the requisite expenses for providing adequate medical care for the ailments being suffered by his mother. It was a fit case wherein the authorities ought to have appointed the Petitioner way back in the year 1999 itself if required by creating a supernumary post.

4.13. That the applicant submits that the objective behind the concept of giving appointment on compassionate grounds is to mitigate the hardships being faced by the family members after the death of the employee. The action on the part of the Respondents in delaying the matter of appointment of the Petitioner on compassionate grounds has the effect of defeating the very purpose of giving appointment on compassionate grounds. The delay in appointing the Petitioner on compassionate grounds is not because of any fault existing on his part. The Petitioner and his family have been enduring the difficulties being faced by them due to the financial and related problems only with the

4

hope that the Respondents honouring their commitment would appoint the Petitioner on compassionate grounds at the earliest.

4.14. That the petitioner submits that he and his family have been leading a life of utter poverty and the situation the Petitioner and his family is in today is the creation of the discriminatory and uncaring attitude of the Respondent authorities. It may be stated here that the present position of the Petitioner and his family is no better than it was at the time immediately after his father's death. In fact the situation has worsen and any delay in appointing the Petitioner on compassionate grounds would have dire consequences and their very existence would be in peril.

4.15. That this application has been made bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1. For that the impugned action on the part of the Respondent authorities is not sustainable and liable to be set aside.

5.2. For that the Applicant in view of the facts and circumstances of the case was entitled for being appointed on compassionate grounds and denial of the said benefit to the applicant has resulted in he and his family members being forced to face innumerable difficulties.

5.3. For that the delay occasioning in appointment of the applicant on compassionate grounds has resulted in defeating the very intention of effecting appointments on compassionate grounds.

5.4 For that the applicant having clarified the queries as raised, there exists no any reason for further delaying passing of orders towards appointing him on compassionate grounds, more so when it is an admitted position that the family of the applicant figures below the poverty line and is in urgent need of a regular source of income.

5.5 For that in any view of the matter the entire action of the respondent are liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed

before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondent Authorities to appoint the applicant on compassionate grounds against any post commensurating to his qualification.

8.2 To direct the Respondent authorities to complete the process towards appointment of the applicant on compassionate grounds within a fixed time frame and carry out all formalities as may be required in this connection within the said time frame.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

The applicant at this stage prays for a direction

from your Lordships for early disposal of the instant application.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. :
- ii) Date :
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification...

VERIFICATION

I, Shri Lakshmi Ram Das, aged about 30 years, son of Late Purna Chandra Das, resident of village Bhabanipur, Chayygaon, District-Kamrup, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1, 4.2, 4.3, 4.4, 4.8, 4.9, 4.10, 4.11, 4.12 and 4.12 are true to my knowledge ; those made in paragraphs 4.5 4.6 and 4.7 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 13 th day of December, 2004.

Shri Lakshmi Ram Das.
13.12.04

-14-
To,

The Sr. Suptd. of Post Office, Guwahati
Division, Guwahati-1.

Date : 24.1.2000.

Sub :- Appointment under compensante Ground after the Expired
of my father Late Purna Ch. Das.

Sir,

The humble petition of the above named petition
most respectfully sheweth :-

1. That my father working as a post man at Bharalumukh
Post Office.
2. That my father died on 27.7.99 due to long age
ailment (T.B.)
3. That till today I have no opportunity to join the
said post after repeted request from me.
4. That as per provision of Law have appoinned the
said post otherwise I shall compel to file a case in appropriate
court.
5. That I, shall be a qualified educated youth
having extra-qualification.

It is therefore prayed that your honour
would be pleased to allow me to appoint immediate
to any one of the post of your dept immediately
in the interest of justice.

Yours faithfully,

Sri Lateshmi Ram Das.

Date : 24.1.2000.

Attested
Sri Lateshmi Ram Das
Advocate

Corr-22.

REGD.

ANNEXURE- 2

DEPARTMENT OF POSTS : INDIA

From :

Sr. Superintendent of Post Office
Guwahati Division, Guwahati-781001.

To,
The SDO(P) Bijoynagar Sub Division,
Bijoynagar.

No. B/A - 27-7-99 Dated at Guwahati, the 29.8.2K.

Subject :- Compassionate appointment under relaxation of
normal rules case of Sri Lakshmi Ram Das, S/O
late Purna Ch. Das, Ex-P/man Bharalumukh S.O.
who expired on 27.7.99.

Please find h/w synopsis in qua duplicate in
connection with above noted subject in r/o Sri Lakshmi
Ram Das, S/O. Late Purna Ch. Das, Ex. P/man Bharalumukh
S.O. Who expired on 27.7.99.

You are requested to fill up the synopsis by
Sri Lakshmi Ram Das and alteration and verification of
the following points. It may be return to this office
after doing n/a at your end for further n/a at this end.

1. Verification of Column XI, XII, XIII.
2. " " " 'E' - 'C'
3. " " " C(i) a, and (b)(ii)(iii)(iv) & (v).

Sd/- Illegible.

29.8.2000

Sr. Superintendent of Post Office
Guwahati Division, Guwahati-781001.

Enclo :-

1. Synopsis in qua-duplicate.
2. Undertaking (in duplicate).

Add.

Sri Lakshmi Ram Das.
S/O. Late Purna Ch. Das.
Vill. Bhabanipur, P.O. Koymari,
Via - Chhaygaon, Kamrup (Assam).

....

Attested
Ann: bmr
Advocate

ANNEXURE- 3

A. Particulars of the deceased/retired on invalid pension employee.

- i) Name - Late Purna Ch. Das.
- ii) Designation - Postman.
- iii) Date of birth - 31-12-1941.
- iv) Date of death/retirement of invalid pension - 27.07.99.
- v) Date of Superannuation -
- vi) Total length of service rendered -
- vii) Whether permanent or temporary - Permanent.
- viii) Whether belonging to SC/ST/OBC -
- ix) Name of the candidate for appointment - Sri Lakshmi Ran Das.
- x) His/her relationship with the Government Servant - Son.
- xi) Date of Birth - 1.11.75.
- xii) Educational qualifications - H.S. Passed.
- xiii) Whether any other dependent family member has been appointed on compassionate grounds. - NO.

B. Financial Status of the family - ^{BELOW POVERTY LINE} Rs. 1000/= per month.

Terminal benefits paid to the official who retired on invalidation/to the family of the official who expired in harness.

- i) Family pension (Basic and DA separately, please indicate the latest amount).
- ii) A.C.R. CG.
- iii) C.P.F. Balance.
- iv) Life Insurance Policies (XAU PLI, etc.).
- v) C.G.E.I.S. amount.
- vi) Encashment of leave.
- vii) Any other items.
- viii) Total amount of terminal benefits.

C. Assets and other sources of income etc.

- i) Immovable property - 13 kxasa.
 - a) Agricultural land - Size, income, cultivable or not, income from the land. - 10 lessa, not cultivable, Rs. 4000/= per year.
 - b) House (approximate value of house) - Rs. 30,000/= (Approx).
- ii) Movable property (fixed deposits etc.) - One TV, one Radio, one cow.
- iii) Annual income from other sources - NIL.
- iv) Where does the family live? In own house - In own house, or rented. Please give details.

(The residential address of the family should be given). Vill. & P.O. Koimara, Via - Chhaigaon, Dist. Karup (Assam).
- v) Liabilities -

Brief details of the liabilities:

 - Education of minor children - NIL.
 - Marriage - NIL.
 - Loans-amount taken proff etc- NIL.
 - Others.

Sd/- Illegible.

Attested
Chm. hml
Advocate

U N D E R T A K I N G

I, Lakshmi Ram Das, S/O. D/O. Late Purna Ch. Das (Ex. P/man) (name, designation, office) Bharalumukh who have applied for appointment as a PA/SA/MP/Gr.'D' in relaxation of recruitment rules hereby undertake to maintain my parent and dependants in the event of my being appointed in the P & T. 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.

Independent witnesses :

Signature with name and address.

1. Sd/- Sri Purna Ch. Deka Signature : Sd/- Sri Lakshmi Ram Das.
SUB-POSTMASTER
CHHAYGAON
781134. Name :- Sri Lakshmi Ram Das.
2. Sd/- Sri Narayan Ch. Das. Date :- 21.09.2000.

.....

Attested
by
Sub Postmaster
Chhaygaon

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- 18 -

ANNEXURE- 5

Deptt. of Posts : India.

O/O Sr. Superintendent of Post Office,
Guwahati Division, Guwahati-781001.

To,

Shri Lakshmi Ram Das,
S/O. Late Purna Ch. Das,
Vill. Bhabanipur,
P.O. Koymari,
Via - Chhaygaon.

NO. B/A - 27-7-99

Date - 05-10-2001.

Sub : Compassionate appointment case of Shri Lakshmi
Ram Das, S/O. Late Purna Ch. Das, Ex/P/man
Bharalumukh S.O. who expired on 27.7.99.

In connection with the above mentioned subject
you are requested to furnish the following information/
document to this office.

1. Post for which employment is proposed.
2. You have claimed to be the son of Late Purna Ch.
Das and applied for appointment, under relaxation of normal
rules. In the synopsis your DOB shown as 1.11.75 and the
certificate shows the name as Lakshmi Ram Medhi with
DOB 1.11.72.
3. You have produced an Affidavit dated 3.9.99 that
you have changed your surname as Das in place of Medhi -
was it notified through Press and Valid. If so, you have
to get the records corrected in Board/University and
fresh certificate.

Sd/- Illegible.

Sr. Superintendent of Post Office
Guwahati Division, Guwahati-781001.

.....

*Attested
Anni Bora
Deputy Secy*

ANNEXURE- 6

Regd. A/D.

Deptt. of Posts India

O/O Sr. Superintendent of Post Office,
Guwahati Division, Guwahati-781001.

To, Shri Lakshmi Ram Das,
S/O. Late Purna Ch. Das,
Vill. Bhabanipur,
P.O. Koimari,
Via - Chhay Gaon.

NO. B/A 27-7-99 Date - 05.11.2002.

Sub :- Compassionate appointment case of Shri
Lakshmi Ram Das, S/O Late Purna Ch. Das,
Ex P/man Bharalumukh S.O. who expired on
27.7.99.

Please refer to this office letter of even
No dated 5.10.2001 in C/W the noted subject through
which you are asked to furnish fresh certificates but
no response has been received till date.

So, a copy of the letter dtd. 5.10.01 sent h/w
for submit the required document at an early date.

Encls :- As above.

Sd/- Illegible.

Sr. Superintendent of Post Office
Guwahati Division, Guwahati-781001.

.....

Attested
Mini book
Advocate

28 APR 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::GUWAHATI

Filed by:-
Dr. P. K. Das
Chancellor

Central Govt. Standing Counsel
27/4/05

C. A. T.

Sukhdev Das

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Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

In the matter of :-

O.A. No.335 of 2004

Shri Lakshi Ram Das ...Applicant

-Versus-

Union of India & Ors.

...Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENT NOS. 1, 2, 3 & 4.

I, S. Das, Sr. Supdt. of Post Offices, Guwahati Division
Guwahati-781001 do hereby solemnly affirm and say as follows :-

1. That I am the Senior Superintendent of Post Offices, Guwahati Division, Guwahati and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.

2. That the respondents have no comments to the statements made in paragraph 1, 2, 3, 4.1, 4.2 and 4.3 of the application.

3. That with regard to the statement made in paragraph 4.4 of the application, the respondents beg to state that an application in plain paper dated 21-06-00 from Smt. Barada Dala Das wife of Late Purna Chandra Das, Ex-Postman, Bharalumukh Post Office, was received in this office, in which she requested to for compassionate appointment of her son under relaxation of normal rules (copy of the application dated 21-6-2000 enclosed as Annexure-I).

Contd..p'2-

4b. That with regard to the statement made in paragraph 4.5 of the application, the respondents beg to state that on receipt of application the Sub-Divisional Inspector of Post Offices (SDIPO's) of Bijaynagar Sub-Division, was supplied with necessary synopsis along with undertaking (to be filled up by the candidate and to be verified by the SDIPO's), for early submission to this office with attestation and personal report of SDIPOs. (copy of the letter to SDIPO's dated 29-08-00 enclosed as Annexure-II).

5. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that the report of SDIPO's, Bijaynagar Sub-Division along with synopsis was received in this office accordingly.

6. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that on scrutiny of synopsis obtained from the candidate along with educational certificate it was found that the certificates and documents are written as Shri Lakshmi Ram Medhi instead of Lakshmi Ram Das, the actual claimant for compassionate appointment. As such the SDIPO's Bijaynagar Sub-Division was requested dated 21-3-2001 to submit report on the name of the actual claimant. (copy enclosed as Annexure-III). In this connection report from SDIPO's, Bijaynagar Sub-Division was received on 28-3-01. (copy enclosed as Annexure-IV). There after, on 2-4-2001 the case was referred to CO (Office of the Chief Postmaster General, Assam Circle, Guwahati) for consideration. (copy enclosed as Annexure-V). The CO, Guwahati sought some clarifications from the claimant through the SDIPO's on, ~~XXXX~~ Marital Status of the Family members, copy of Death certificate of the deceased and etc. Accordingly the SDIPO's, Bijaynagar Sub-Division was asked dated 17-07-01 to furnish the required information (copy enclosed as Annexure-VI). On receipt of necessary verification report from the concern SDIPO's the information was passed to the CO, Guwahati on 12-09-01 (copy as Annexure-VII). In CO, Guwahati, the case was further scrutinized and found that (a) Name of the post for which Employment is proposed is not mentioned (b) In the Synopsis date of birth of the applicant is shown as 1-11-75 but in his educational certificates Submitted were in the name of Lakshmi Ram Medhi and date of birth was shown as 1-11-72. (c) The applicant submitted an Affidavit dated 3-9-99 that he changed his surname from Medhi to Das but no proof was submitted

whether it was circulated through local News paper, (d) The applicant himself deposed before the Magistrate that his date of birth was 1-11-75 but his educational certificates are showing his date of birth as Lakshmi Ram Medhi on 1-11-72. In this connection the applicant was requested vide this office letter No.B/A-27-799 dated 5-10-01 followed by a remainder dated 5-11-01 to clarify on above points and asked to obtain fresh School and Board certificates in the name of the applicant but not Medhi and to submit it to this office with out fail but nothing has been received from him till date. Both the letter was dispatched to him through Regd. Post and was to delivered to him in time (copy of the letter is enclosed as Annexure-VIII and IX).

7. That with regard to the statements made in paragraph 4.8 of the application, the respondents beg to state that there no such records regarding submission of clarifications or any written documents on the queries given to the complainant vide letter no. noted in para-6 in last paragraph.

8. That with regard to the statements made in paragraph 4.9 and 4.11 of the application, the respondents beg to state that as no reply was received on the queries mentioned in the last paragraph of the para-6 of the written statement, further processing of the file does not arise.

9. That the respondents have no comments to the statements made in paragraph 4.10, 4.12, 4.13, 4.14, 4.15, 5.1, 5.2, 5.3, & 5.4 of the application.

10. That with regard to the statements made in paragraph 5.5 of the application, the respondents beg to state that the claim is not based on facts and should be dismissed.

11. That the respondents have no comments to the statements made in paragraph 6, 7, 8.1, 8.2, 8.3, 8.4 and 9 of the application.

12. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

(4)

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

I, S. Das presently working as Senior Superintendent of Post Offices, Guwahati Division, Guwahati-781001 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 2 + 11 of the application are true to my knowledge and belief, these made in paragraphs 3 - 10 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 8th day of April, 2005.

DEPONENT

SURESH CHANDRA DAS
जुनिअर अधीक्षक, डाकघर
गुवाहाटी संडल, गुवाहाटी - 781001
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

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Annexure I

To,

The Sr. Suptd. of post office Guwahati
Division Guwahati - 1.

Date :- 21.6.2000

Sub :- Appointment under companson e grrund after the Expired
of my husband late Purna Ch. Das.

Sir,

The humble petition of the
ectfully sheweth. That my husband w
lumukh post office. That my husband
age aliment (T.B.) That till today
the said post after sepeted request
of low have appoined the said post.
educated youth haveing extra qualif

ove named petition most resp-
king as a post man at Bhara-
ied on 27-07-99 due to long
have no opportunity to Join
rom me. That as per provision
hat my son will be a qualified
ation.

It is therefore prayed that
to allow me to appoint immediate to
dept.

ur honour would be pleased
ny one of the post of your

Attested
Addl. C. G. S. O.

Your's faithfully,

Sd/- Sri Baroda Bala Das

Late Purna Ch. Das,

Vill :- Bhabniapur,

P.O. :- Koymari,

Via :- Chhaygaon,

Dist. :- Kamrup (Assam)

Pin No. :- 781124.

प्रमुख दूरिष्ट जमीनक डाकघर
पुनर्गठन गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

भारतीय डाक विभाग
DEPARTMENT OF POSTS. INDIA

सेवा में
To The D1(P) Bijoynagar Sub Division
Bijoynagar.

क्रम संख्या
No. B/A-27-7-98

दिनांक
Dated at Guwahati-1 The 29.8.21

विषय
Subject :- compassionate appointment
under relaxation of normal rules
Case of Sri Lakshmi Ram Das
S/o Late Purnach Das ex pman
Bharamexh so who expired
on 27-7-98.

please find L/w synopsis in duplicate in connect
on with above noted subject in Mr Sri Lakshmi Ram Das
S/o Late Purnach Das ex pman Bharamexh so who
expired on 27-7-98.

You are requested to fillup the synopsis by Sri
Lakshmi Ram Das and attestation a verification of the
following points. It may be return to This office after
doing wa at your end for further wa at This end.

- 1) Verification of Column xi, xii, x
- 2) " " " " "B" - C
- 3) " " " " "a, and (ii) (iii) (iv) and (v)

Encl:-

- 1) Synopsis in duplicate
- 2) Undertakings (in duplicate)

Attested
A. C. S. G.

29/8/2021

दूरिष्ट जमीनक डाकघर
गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

d.
Sri Lakshmi Ram Das

कोर - 7 / Corr-7

भारतीय डाक विभाग / Department of Posts, India

कार्यालय / Office of the

वरिष्ठ अधीक्षक डाकघर

गुवाहाटी मंडल गुवाहाटी 781 001

Sr. Nagar Office

Guwahati Division, Guwahati-781 001

NO. B/A-27-7-99

Date

21.03.2001

Sub: Compassionate appointment under relaxation of normal rules case of Sri Lakshmi Ram Das. S. Late Purnan Ch Das. Ex P/mem BLK So. expired on 27.7.99.

Please find w/ relevant document sent to you in clw. Use above mention subject

After Scrutiny all Certificates and as Lakshmi Ram Medh

So, you are a your report ~~whether~~ the same or one p

Return the same with your report.

For 21.03.01

वरिष्ठ अधीक्षक डाकघर

गुवाहाटी मंडल गुवाहाटी 781 001

Sr. Nagar Office

Guwahati Division, Guwahati-781 001

Attested

Adl. C. G. S. O.

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

प्रेषक

From

वरिष्ठ नवीयक डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

सेवा में

To

To Mr. APM.GI (Sd/1)

O/o Mr. CPMGI
Sam Circle

दिनांक

Dated at

Guwahati 781001

02/04/2001

क्रम संख्या

No. B/A-27-7-99

विषय

Subject

relaxation of normal rule
Lakshmi Ram Das. S/o Late
ex Postman Bhattacharyya
27-7-99.

pointment under
Case of Shri
Purna Ch Das.
who expired on.

Synopsis in triplicate
received from Sri Lakshmi R
Purna Ch Das. duly verified
Bijay Nagar ~~to be~~ sent
of your disposal.

along with enclosures.
in Das. S/o Late
by SDI(P)
w/w for favour.

In this regard it
that the enclosure is in
Sri Lakshmi Ram Medhi
Nagar Certified vide
A/Compassionate appointment
that Shri Lakshmi Ram T
Ram Medhi is the same

is also to inform
the name of
SDI(P) Bijay
letter No.
2001 dated 28.3.2001
is & Shri Lakshmi
and one person.

Attested

Addl. C. G. S. O.

वरिष्ठ नवीयक डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

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Annexure VI

11

Deptt of Posts & India

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वरिष्ठ सवीलक बाकवर
गुवाहाटी मंडल गुवाहाटी-781001
Sr. Superintend of Post Offices
Guwahati Division, Guwahati-781001

To the S.D.I (P)
Bijay Nagar Sub Dvn
Bijay Nagar.

No. B/A - 27-7-99

Date 17.7.2001

Subj: Compassionate appointment case
of Sri Lakshmi Ram Das. S/o Late Purna
Ch Das. Ex Postman Bhatlumka SO.
who expired on 17.7.99.

Please obtained the following information
in c/w the above mention subject from Sri
Lakshmi Ram Das. and forwarded the same
to this office. at an early date.

- 1) Family pension (B sic & DR separately).
- 2) A copy of the death certificate of the deceased.
- 3) The marital status of the family members.

Address

Sri Lakshmi Ram Das
S/o Late Purna Ch Das
vill: Bhatnigpur.
PO. Koymanai
via. Chhargam.

17/7/01
17/7/01
17/7/01

etc

No. B/A - 27-7-99
वरिष्ठ सवीलक बाकवर
गुवाहाटी मंडल गुवाहाटी-781001
Sr. Superintend of Post Offices
Guwahati Division, Guwahati-781001

Annexure VII

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Depth of Posts 0 to dia

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वरिष्ठ अधीक्षक डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781 001

To

The Chief PMG
Assam Circle
Guwahati-781001

Date

12-09-2001.

No. B/A- 27.7.99.

Subl. Compassionate
Case of Sri Lakshmi
Purnan Das. Ex.
S.O who expired a

appointment
Ram Das. S/o late
Postman. Bharatamukh.
27-7-99.

Ref: CO's Guw No.
Staff /16-08/2001

Date 31-5-2001.

Kindly refer to
letter cited above
mention subject
matter are for
your favour of inf

your office letter no
in c/w the above
is required infor-
mation below for.

No 1.

Family Pension

R. sic. + DR
675 + (131) 720
= Rs 2395

No 2

Copy of Death

Certificate enclosed.

No-3

Smt. Borade Dola
and all her four

Widow -
sons are unmarried.

o/c

Attested

Adm. C.G.S.O.

वरिष्ठ अधीक्षक डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781 001

Deptt of Posts India

Regd 43

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वरिष्ठ अधीक्षक, डाकघर
गुवाहाटी मंडल गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781 001

To

Smt Lakshmi Ram Das.
S/o Late Purna Ch Das.
Vill Bhabani pur.
P. Koyamari
V. Chhaygoan.

No. B/A - 2E-799

Date, 05.10.2001

Subj: Comp. signature appointment
Case of Smt Lakshmi Ram Das. S/o.
Late Purna Ch Das. Ex P/aman
Bhabanumukh So. No. expired on 2E.7.99.

In connection with the above mention
subject you are requested to furnished
the following information/document to
this office.

1. Post for which employment is
proposed.
2. You have claimed to be the son of
Late Purna Ch Das. and applied for
appointment under relaxation of normal
rules, in the synopsis your DOB shows
as 1-11-75 and certificate shows
the name as Lakshmi Ram Medhi with
DOB 1-11-72.
3. You have produced an Affidavit
dated 3.9.99. It is - you have changed
your surname as in place of Medhi -
was it notified through Press and
valid. If so you have to get the
records Corr. and in Board/
University and obtain from certificate.

6/c

Attested
Addl. C. G. S. O.

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Annexure TX

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Dep't of Posts & Ind.

Regd.

0/0

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001To Shri Lakshmi Ram Das
S/o Late Purna Ch Das
Village - Habani pur
PO - Gaimari
Village - Mahay Goan

Date 05.11.2002

NO. B/A 2E-F-99

Subl. Compassionate
Case of Shri Lakshmi R
Purna Ch Das Ex f/man
who expired on 2E-F-99.appointment
in Das S/o Late
Lakshmi R.Please refer to the
Even NO dated 5-10-2001.
Subject through which
furnished from cert
response has been received.So, a copy of the
Send h/w for submission
submit the require
early date.Office letter of
GPO has noted
are asked to
file but no
d till date,
letter dtd 5-10-01~~copy of the~~
document at an

Encl.

As above

Attested

AM Chandra
Addl. G. O. S. O.Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001