

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

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

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

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SECTION OFFICER (Judi.)

FORM NO.4

(SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

335/04

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants:-

L. R. Day

Respondents

U. O. I. Govt.

Advocates for the Applicant Mr. U.K. Nair, Mrs. U. DayAdvocates of the Respondents C.G. Se

Notes of the Registry

Date

Order of the Tribunal

This application is in form
 is filed/C. F. for Rs. 0/-
 deposited vide A.P./B.B.
 No. 206135911

23.12.2004

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.

Dated.....

21-12-04

*Notice
22/12/04*
Dy. Registrar
QV

Member (A)

Steps taken.

mb

09.02.2005

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

None appears for the parties.

Adjourned to 30.3.2005.

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

mb

Member (J)

*Notice duly served
on resp. No-1.*

1/2

29-3-05

S/2 - Aravind
No - w/s has - seen
B/Recd.
AB

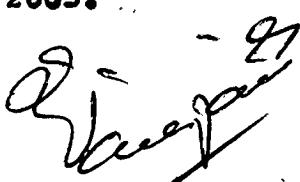
30.3.2005 Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

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.

28.4.05

w/s filed by the Respondent Nos. 1, 2, 3
21.

mb

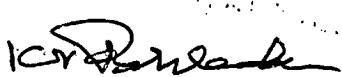


Vice-Chairman

5-5-05AB

w/s has - seen. B/Recd.
AB

bb



Member

2-6-05

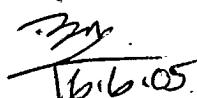
No rejoinder has - seen
B/Recd.
AB

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

mb



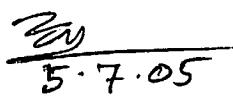
w/s has been filed.



17.6.2005 Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

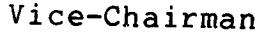
Hon'ble Shri K.V. Prahladan, Administrative Member.

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

nkm



Vice-Chairman

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.

*20.7.05
Copy of the Judgment
has been sent to the
opposite party
by post.*

Ch. Vice-Chairman

mb

sls

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.

2 - 9
Vasapuri

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),
Bijoynagar Sub-Division,
Bijoynagar, District - Kamrup, Assam.

... Respondents.

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

.....

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

9/24

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), Bijoynagar Sub-Division with copy to the applicant. The applicant was requested to furnish the required information documents to SDI(P) Bijoynagar 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.

gmv

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

22 DEC 2004

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

Q.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 27.7.1999 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. Inspite 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 grievances.

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH
GUWAHATI

Case No. 335 of 2004

Shri Lakshmi Ram Das

... Applicant

-VS-

The Union of India & Ors

... Respondents

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Filed by:

Anni bord

Advocate.

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. of 2004

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), Bijoynagar Sub-Division,
Bijoynagar, District-Kamrup, Assam.

... Respondents

Filed by:
The Applicant

13
Jhony h;
Unni Krishnan Nair
Advocate

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.

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 Tubercluocis.

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 sereval 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,interalia, 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 commensurating 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 29.8.2000 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 dependents 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.

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4.12. That the applicant states that eversince the death of his father, it has be a story of running from pillar to post praying for his appointment on compassionate grounds, but inspite 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 supernumerary 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

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, moreso 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. BELIEES 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...

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

I, Shri Lakshmi Ram Das, aged about 36 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 ^h Kawshir are true to my knowledge ; those made in paragraphs 4.5 ^h 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.

Sri 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 compensation 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 repeated request from me.
4. That as per provision of Law have appointed 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 Lakshmi Ram Das

Date : 24.1.2000.

A Husted
Jin' borbz
Advocate

Corr-22.

REGD.

ANNEXURE- 2

DEPARTMENT OF POSTS : INDIA

From :

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

To,

The SDO(P) Bijaynagar Sub Division,
Bijaynagar.

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
Anu. for
Advocate

ANEXURE 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 Ram 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 - Rs. 1000/- per month.

Below Poverty Line

Terminal benefits isid 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).
- (ii) A.C.R.O.G.
- (iii) C.P.F. Balance.
- (iv) Life Insurance Policies (X&U 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 - ₹ 1xxxa.
- (a) Agricultural land - Size, income, cultigable 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.

Aftered
Mr.
Chu
Adm

ANNEXURE 4

UNDERTAKING

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-POST ASTER
CHHAYGAON
781134. Name :- Sri Lakshmi Ram Das.
2. Sd/- Sri Narayan Ch. Das. Date :- 21.09.2000.

.....

A Hes te d
Ami, m/s
pdwate

ANNEXURE

5

Deptt. of Posts : India.

S/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 DDB shown as 1.11.75 and the certificate shows the name as Lakshmi Ram Medhi with DDB 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 for
Police

ANNEXURE 6

Reqd. A/D.

Dept. of Posts India

3/3 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.

Enclo :- As above.

Sd/- Illegible.

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

After 1st
Amⁿ, book
Advocate

Central Administrative Tribunal
28 APR 2005
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: : GUWAHATI

*Fidelity - Chanchal
Dimp Ghosh*
Addl. Central Govt. Standing Counsel
C. A. T.
Smt. Dimp Ghosh
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001
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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, ~~whether~~ 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

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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.

VERIFICATION

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, those 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

SURENDRA DAS
सुरेन्द्र अधीक्षक, द्वाक्षर
गुवाहाटी भूजल, गुवाहाटी-781001
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

-000-

Annexure I

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

Date :- 21-6-2950

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

ave named petition most resp-
king as a post man at Bhar-
ied on 27-07-19 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.

our honour would be pleased
ay one of the post of your

Attestated
Addl. C. G. S. G.

Your's faithfully,

to Sri Baroda Bala Da

Late purna Ch. Das,

Vill :- Bhabniapur,

P.O. :- Koymari,

Via :- Chhaygaon,

Dist. :- Kamrup (Assam)

Pin No.:- 781124.

वहार-22
Copy-22

(2)

Annexure T

3X

Recd

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA
प्रभाली पंडल गुवाहाटी 781001
Superintendent of Post Offices
Guwahati Division, Guwahati-781001

भारतीय डाक विभाग
OF POSTS, INDIA

सेवा में

To

The DS(P). Bijoynagar Sub Division
Bijoynagar.

क्रम संख्या

No. B/17-27-7-98

दिनांक

Dated at G

Wakab-1 The 28.8.201

विषय

Subject :- compassionate appointment
on relaxation of normal rules
Case of Sri Lakshmi Ram Das
S/o late Purnacharan Das ex-pan
Bijoynagar SO who expired
on 27.7.98.

Please find the Synopsis in the duplicate in connect
on with above noted subject in M/s Sri Lakshmi Ram Das
S/o late Purnacharan Das ex-pan
expired on 27.7.98.

You are requested to fillup the Synopsis by Sri
Lakshmi Ram Das and alteration on
following points. It may be return to this office after
doing so at your end for further action at this end.

1) Verification of Column x, xi, xii, xiii

2) " " " " " B - C

3) " " " " " Attached A, and (i) (ii) (iii) (iv) and (v)

Attached A, and (i) (ii) (iii) (iv) and (v)

Recd
29/8/2001

प्रियदर्शक दास

पंडल गुवाहाटी-781001

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

Encl:-

1) Synopsis in quata duplicate
2) Undertaking (in duplicate)

d.

Sri Lakshmi Ram Das

भारतीय डाक विभाग / Department of Posts, India
 कार्यालय / Office of the

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परिव अधीक्षक डाकघर

गुवाहाटी बड़ा बाजार 781001

Sr. Officer in Charge of Offices
 Guwahati Division, Guwahati-781001

To

The SDICP)

B.aj Nagar Sub Dvn

B.aj Nagar

No. B/A-27-7-99

Date 21.03.2001

Sub:- Compassionate appointment under
 relaxation of normal rule in case of Smt
 Lakshmi Ram Das. Smt Late Purna Ch Das.
 Ex P/mn BLK So is expired on 27.7.99.

Please find w/ relevant document s/ re
 above mention subject

After Scrutiny
 all certificates and
 as Lakshmi Ram Medi
 So, you are a
 your report ~~is correct~~
 the same or one p
 Return me s/ re with your report.

for ~~21.03.01~~
 21.03.01

परिव अधीक्षक डाकघर
 गुवाहाटी बड़ा बाजार 781001
 Sr. Officer in Charge of Offices
 Guwahati Division, Guwahati-781001

Attested
 A.M. Chatterjee
 Addl. C.G.S.C.



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Annexure IV

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To

The

Supt. of pos
Gwalior Dist
CentralMr A. I. Commissioner (ppoint on 1/2/2001
dated 13/7/2001 to 28/3/2001)Sub:-
appoin
to Ksh.
purseCommissioner
ward of SSI
-550 Slo late
L. 520

Ref:- Jour 20

13/1/2001

dt 21-3-2001

Jour to Jour
Lakshmi RamReady to
certified that SSI
to and Lakshmi Ram
the same person
now the applied as
is the certificate is true
is the certified

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Annexure IV
UO

भारतीय डाक बिभग
DEPARTMENT OF POS' S. INDIA

प्रेषक

From

विभागीय व्यवहार-22
पुरापारी मंडल गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

क्रम संख्या

No. B/A - 27- F-99

सेवा में

To DCI APMG (S-1a))

O/o DCI CPMG

सम कार्यालय

दिनांक 2. दिसेंबर 2001

Dated at

02/04/2001

विषय
Subject

relaxation of normal rule
LAKSHMI RAM Das. S/o Late
ex Postman Bharatamukhi. S
27. F. 99.

appointment under
case of Shri
Purnacharan Das.
Who expired on.

Synopsis in triplicate
received from Sri Lakshmi R
Purnacharan Das. duly verified
Bijay Nagar + ~~sent~~ ~~sent~~
of your disposal.

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

In this regard it is also to informed
that we enclose a/c in the name of
Sri Lakshmi Ram Mechi. I c SDI (P) Bijay
Nagar Certified Vida 1 letter No.
A/Compassionate appointment
that Shri Lakshmi Ram is to be
Ram Mechi is we Sam and one person.

AC

Attested
Addl. C.G.S.C.

विभागीय व्यवहार-22
पुरापारी मंडल गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

Dept of Posts & tele

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गवर्नमेंट अधीक्षक बाबाम
गुवाहाटी मंडल गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

To

the SDI (P)

Bijay Nagar Sub Div

Bijay Nagar.

Date

1 F. F. 2021

No. B/A - 27-7-99

Sub:- Compassionate appointment case
of Sri Lakshmi Ram Das. S/o Late Purna
Ch Das. Ex Postman Bhatalumukhi SO
who expired on 1 F.F.99.

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

- 1) Family pension (Bsic & DR separately).
- 2) A copy of the death certificate of
the ex-officer
- 3) The marital status of the family
members.

Address

Sri Lakshmi Ram Da
S/o Late Purna Ch Das
vill: Bhatalipur
PO: Koymari
via: Chhaya gram.

PM Chakraborty
Postmaster
Guwahati-781001

dc

Post Record
10/10/2021
गवर्नमेंट अधीक्षक बाबाम
गुवाहाटी मंडल गुवाहाटी-781001
Superintendent of Post Offices
Guwahati Division, Guwahati-781001

Dept of Posts & tele

No.

विद्युत विभाग, डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

To

The Chief P.M.G.
Assam Circle
Guwahati-781001

No.

B/A - 2E-E-99.

Date 12-09-2001.

Sub: Compassionate
Case of Sri Lakshmi
Purnacharan Das. Ex.
S.O. who expired on

appointment
Ram Das. S/o late
Postman. Bharatnagar
2E-E-99.

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

Date 31-5-2001.

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

your office letter No
in C/W the above
is required infor-
mation below for.

No 1- Family Pension = Rs 675 + 131 + DR
= Rs 2395.

No 2

Copy of Death

certificate enclosed.

No 3
Smt. Boradha Devi in Widow
and all the four sons are unmarried.

O/C

Attested
Add. C.G.S.O

विद्युत विभाग, डाकघर
गुवाहाटी मंडल गुवाहाटी 781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

(8) 43
Dept of Posts India

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सरिट अधीक्षक, डाकघर
गुवाहाटी मंडल गुवाहाटी-781001
Sr. Superintendent of Post Offices
Guwahati Division, Guwahati-781001

No. B/A - 2E-F99

To

Smt Lakshmi Ram Das.
S/o late Purna Ch Das.
Vill Bhabani pur.
P. Koymaru.
V. Chhagjan.

Date, 05.10.2001

Sub: Complainant's appointment
Case of Shri L. S. Ram Das. S/o
late Purna Ch Das. Ex. Poman
Bharmukhi So. who expired on 2E. F. 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 son of
late Purna Ch Das. and applied for
appointment under section 24 of normal
rules. In the synopsis your DOB is shown
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 etc - 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 carried in Board/
University and obtain from certificate
etc.

Attested
A. K. Chatterjee
Addl. C. G. S. O.

6c

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Assam TX

9

Regd.

Dept. of Posts, Md.

%

Sr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001

No. B/A 2E-F-99

To Shri Lakshmi Ram Das
S/o Lal. Purna Ch Das
Vill. Ichani pur
PO. Gumar
Via. Ichay Goan

Dt. 05/11/2002

Sub: Compassionate appointment
Case of Shri Lakshmi R.
Purna Ch Das Ex f/m an i
who expired on 2E-F-99.

Please refer to the office letter dated 5.10.2001. The subject through which I furnished you cert. response has been received. So, a copy of the same is enclosed. Please send the same to me at an early date.

Endo.

As above

Attested
Addl. G. S. OfficerSr. Superintendent of Post Offices
Guwahati Division, Guwahati - 781 001