

FROM NO. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. _____
2. Misc Petition No. _____
- 3- Contempt Petition No. 23/06 in O.A 85/05
4. Review Application No. _____

Applicant(s) Smti Madhumita Sarkarather

Respondents N. Das ~~10/1~~ from

Advocate for the Applicant(s) Mrs. L. Chakrabarty....

Ms. U. Das for Rept. No. 3

Advocate for the Respondant(s) C.S.L.

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition has been filed by the
counsel for the petitioner
for willful and deliberate
violation of judgement
and order dated 5.9.05
passed in O.A 85/05
by this Hon'ble Tribunal.

Laid before the
Hon'ble Court for further
orders.

Q.P.
for Suchendro

21.9.2006 Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman.

This Contempt Petition has been filed for non-compliance of the common order of the Tribunal dated 5.9.2005 passed in O.A.85/2005 & in another O.A. wherein this Tribunal had specifically directed the respondents as under:-

"12. To put it shortly, the impugned orders are patently illegal and had been passed in total disregard and in violation of the provisions of the Government orders dated 9.10.1998 as is stood at the relevant time i.e. the date of death of the Government servant in both the two cases. I, accordingly, quash both the orders dated 7.5.2004 (Annexure-G in O.A.234-2004) and 22.9.2004 (Annexure-I in O.A.85/2005). I direct the respondents to consider the case of applicants with reference to the Government order dated 9.10.1998 and the scheme issued thereunder as it stood during the relevant period i.e. the date of birth of the Government

Contd...

Contd
21.9.2006

12

servant in both the cases particularly with reference to Clause 7(e) and (f) of the scheme which I have already extracted earlier in this judgment. This exercise will be done by the concerned authority within a period of four months from the date of receipt of this order. The decision so taken will be communicated to the applicants in both these cases immediately thereunder."

When the matter came up for consideration today, Ms. P. Chakraborty, learned counsel for the applicant submits that as per the Govt. order dated 9.10.1998 when a employee dies compassionate appointment would only be considered and granted in Grade 'D' post not in GDS which is also amplified by the orders of this Tribunal. The respondents/contemners, on the other hand, vide letter dated 20.12.2005 asked the applicant as to whether she is willing to accept appointment in GDS cadre. The applicant in reply to the said letter vide Annexure-7 Series in this C.P. quoting the orders of this Tribunal and other aspects expressed her unwillingness to join in GDS post. But the respondents/contemners are not complying with the orders of this Tribunal. Therefore, she has filed this present C.P. praying for initiation of contempt proceeding against the alleged contemners for deliberately flouting the orders of this Tribunal.

Considering all the aspects I direct the Registry to issue contempt notice to all the contemners in this C.P. to show cause as to why contempt proceeding shall not be initiated against all of them on the basis of the statements made in this C.P. supported by other documents.

Contd...

Contd

21.9.2006

Post the matter on 14.11.2006.

Personal appearance of the alleged contemners are dispensed with for the time being.

13.11.06

An affidavit filed by the respondent Contemner No. 1 and 3, separately each.

Vice-Chairman

bb

14.11.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Das

When the matter came up for hearing, Ms U. Das, learned Addl. C.G.S.C. for the alleged contemners submitted that she has filed reply affidavit and also the order giving offer of employment in the GDS post, which the Applicant refused. Such offer was given to the Applicant because there was no vacancy in the Group 'D' post. The learned Counsel for the Applicant is specifically directed to take instructions as to whether the Applicant is willing to accept GDS post for the time being till she is accommodated in the next available Group 'D' post.

Post on 06.12.2006.

Vice-Chairman

/mb/

Affidavit filed by
the R.No. 1 & 3.

ZS
5.12.06.

06.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

~~No Vacancy~~

Affidavit filed by the
R.No - 1.

23
8-1-07.

When the matter came up for hearing. Ms. P. Chakrabarty, learned Counsel for the Applicant would like to file some documents as to the vacancy position in the department in group 'D' post, which would show that there is vacancy in which the Applicant would be accommodated. Learned Counsel for the Respondents is also directed to file reply as to the vacancy position.

Post on 09.01.2007.

Vice Chairman

/mb/

9.1.2007 Ms. U. Das, learned Addl.C.G.S.C. submits that she has not received instruction as to the position of vacancy and requires further one week's time to get the same. Let it be done.

Post on 17.1.2007.

Affidavit filed by
R.No - 1.

23
16-1-07.

Vice-Chairman

bb

17.1.07.

~~No Vacancy~~

Ms. U. Das, learned Addl.C.G.S.C. has submitted that she has got instructions from the respondents that there is no vacancy in N.E. Circle. Counsel for the applicant wanted to find out the veracity of the same and he prays for further time. Whether the vacancy is available or not.

Post the matter on 19.2.07.

Vice-Chairman

lm

Notes of the Registry Date 27.2.2007 Order of the Tribunal

27.2.2007

Present: Hon'ble Shri K.V. Sachidanandan,
Vice-ChairmanHon'ble Smt Chitra Chopra,
Administrative Member.

Heard the learned counsel for
the parties. The Contempt Petition
stands dismissed as per orders contained
in separate sheets.

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Member(A)

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Vice-Chairman26.3.07

Copy of the Order
has been sent to
the Secy. for doing
as per the order
by post
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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Contempt Petition No.23 of 2006
(In Original Application No.85/2005)

Date of Order: This the 27th day of February 2007.

The Hon'ble Shri K.V. Sachidanandan, Vice-Chairman

The Hon'ble Smt Chitra Chopra, Administrative Member

Smt Madhumita Purkayastha
D/o Late Asit Ranjan Purkayastha
P.O. Chandrapur, Dharmanagar,
North Tripura-799251.

.....Applicant/
Petitioner

By Advocate Ms P. Chakraborty

- versus -

1. Niranjan Das
Superintendent of Post Offices,
Dharmanagar Division,
Dharmanagar-799250.

2. Trisholgit Sheti,
Director of Postal Services,
Tripura, Agartala.

3. P. Gopinath,
Post Master General,
N.E. Circle, Shillong-793001.

.....Respondents/
Contemners

By Advocate Ms U. Das, Addl. C.G.S.C.

.....



ORDER (ORAL)K.V. SACHIDANANDAN (V.C.)

This Contempt Petition has been filed by the applicant for non-compliance of the order of the Tribunal passed in O.A.No.85 of 2005 dated 05.09.2005. The operative portion of the order is as follows:

"To put it shortly, the impugned orders are patently illegal and had been passed in total disregard and in violation of the provisions of the Government orders dated 9.10.1998 as is stood at the relevant time i.e. the date of death of the Government servant in both the two cases. I, accordingly, quash both the orders dated 7.5.2004 (Annexure-G in O.A.234/2004) and 22.9.2004 (Annexure-I in O.A.85/2005). I direct the respondents to consider the case of the applicants with reference to the Government order dated 9.10.1998 and the scheme issued thereunder as it stood during the relevant period i.e. the date of death of the Government servant in both the cases particularly with reference to Clause 7(e) and (f) of the scheme which I have already extracted earlier in this judgment. This exercise will be done by the concerned authority within a period of four months from the date of receipt of this order. The decision so taken will be communicated to the applicants in both these cases immediately thereafter."

2. Affidavits have been filed by respondent Nos.1 and 3 separately contending that the orders of the Tribunal have been complied with by the respondents, but they could not give regular posting to the applicant for want of vacancy in the Circle. However, the applicant was offered the post of GDS. The learned counsel for the applicant submitted that she is not amenable to the post of GDS and therefore, she cannot accept the same.
3. We have heard Ms P. Chakraborty, learned counsel for the petitioner and Ms U. Das, learned Addl. C.G.S.C. appearing on behalf of the alleged contemnors. Considering the entire aspects of the matter we are of the view that a substantial portion of the order of the



Tribunal has been complied with and therefore, the Contempt Petition will not stand in its legs and is liable to be dismissed and it is accordingly dismissed.

4. However, liberty is given to the petitioner to approach the appropriate forum if the petitioner is further aggrieved by this order.

The Contempt Petition is dismissed.

Chitra Chopra
(CHITRA CHOPRA)
ADMINISTRATIVE MEMBER


(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

nkm

21/5/06

Central Administrative
Tribunal, Guwahati

5/5/2006

GAUHATI BENCH

Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH :: GUWAHATI

CONTEMPT PETITION No. 23 of 2006

IN

OA No. 85 of 2005

21/5/06
Brought by Peshwar
P. Chakraborty, Advocate
File No. 1
Madhumita Purkayastha

IN THE MATTER OF :

Contempt petition under Section 12 of
Contempt of Court's Act, 1971 read with
Article 215 of the Constitution of India.

-AND-

IN THE MATTER OF :

Willful and deliberate violation of
Judgment and Order dated 5-9-2005
passed in O.A 85 of 2005.

-AND-

IN THE MATTER OF :

Smti. Madhumita Purkayastha
D/o Late Asit Ranjan Purkayastha
P.O. Chandrapur, Dharmanagaer, North
Tripura-799 251

.....APPLICANT/
PETITIONER

-Versus -

Madhuri Parkayashtha

1. Niranjan Das.
Superintendent of Post Offices.
Dharmanagar Division.
Dharmanagar-799250.

2. *Trishuljit Shetgi*
Director of Postal Services,
Tripura, Agartala.

3. P.Gopinath
Post Master General
N.E Circle, Shillong-793001.

...RESPONDENTS/
CONTEMNERS

The humble petition of the petitioner above named –

MOST RESPECTFULLY SHEWETH:

1. That the present contempt petition arises out of willful and deliberate violation of this Hon'ble Court's direction passed in Judgment and Order dated 5-9-2005 in O.A. No. 85 of 2005. That the original application was filed by the petitioner as applicant seeking appointment on compassionate ground under the Respondents on death of her father who died in harness on 29-5-2000 while serving under Respondent No.5.
2. That though the application in the prescribed format was filed by the applicant-petitioner before the Respondents, the same was rejected by the Respondents on 12-3-2002 on the ground that the appointment of the petitioner-applicant was not recommended by the Circle Relaxation Committee due to non-availability of vacancy and had also assured vide the same letter that her case will be considered as and when the vacancy arises. Thereafter the Respondents sought

applications for filling up 37 posts without considering the case of the petitioner-applicant and thus she had approached this Tribunal against the aforesaid action of the Respondents. The application so filed by the applicant-petitioner before this tribunal was numbered as OA No. 163 of 2004 which was disposed of finally by this Tribunal on 28-7-2004 directing the Respondents to dispose of the representation filed by the petitioner-applicant within a period of six weeks from the date of receipt of the same. The applicant-petitioner accordingly had made her representation dated 30-8-2004 which was rejected by the Respondents on 22-9-2004 on the ground of non-availability of sufficient number of vacancies for absorption of the petitioner-applicant under 5% quota for appointment on compassionate ground.

3. That against the said order dated 22-9-2004 the connected O.A No. 85 of 2005 was filed by the applicant-petitioner before this Hon'ble Tribunal seeking adjudication of the matter. The O.A. 85 of 2005 was contested by the Respondents by filing their affidavit therein and on consideration of the stand / claim and counter-claim made by the parties, this Hon'ble Tribunal came to the conclusion that the order dated 22-9-2004 is patently illegal and has been passed in total disregard of Govt. orders 9-10-1998 and therefore the Respondents were directed to reconsider the case of the petitioner-applicant with reference to the Govt. order dated 9-10-1998 and the Scheme issued thereunder which were in force at the time of the death of the Govt. servant i.e. to say the father of the applicant-petitioner. The direction of this Hon'ble Court was specific and clear that a reference to the Clause 7 (e) and (f) of the Scheme was to be taken into consideration while making such consideration for appointment of the petitioner. Besides specifically directing the Respondents to complete the exercise within a period of four months from the date of receipt of the Order.

A copy of the order dated 5-9-2005 as aforesaid is enclosed herewith and marked as Annexure-1.

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4. That the recommendation so referred / as reflected in the Judgment and Order dated 5-9-2005 in O.A. 85 of 2005 relates to the Govt. Notification issued by the Govt. Of India DOPT in office memo No. 14014/6/94-Estt(D) dated 9.10.1988 which deals with determination / availability of vacancies. To quote the same as it appears in paragraph 9, page-9 of the Judgement and Order dated 5-9-2005.

"Determination / availability of vacancies

- (a) Appointment on compassionate ground should be made only on regular basis and that too if the regular vacancies meant for that purpose are available.
- (b) Compassionate appointments can be made up to maximum of 5% vacancies falling under direct recruitment quota in any Group-C or D posts. The appointing authority may hold back up to 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise, so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate ground should be adjusted in the recruitment roster against the appropriate category, viz., SC / ST / OBC / General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST / OBC he will be adjusted against ST /OBC point and if he belongs to General Category he will be adjusted against the vacancy point meant for the General Category.
- (c) While the ceiling of 5% posts for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent, family members of the Govt. servant on casual / daily-wage / ad-hoc / contract basis against regular vacancies, there is no bar to considering him for such appointment, if he is eligible as per the normal rules / orders governing such appointments.

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Madhuri Parkash
for
Madhuri

- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilising any other vacancy, e.g., "Sports quota vacancy".

The sub-clauses added to the office memo reads as follows :

- (e) Employment under the Scheme is not confined to the Ministries / Department / Office in which deceased / medically retired Govt. servant had been working. Such an appointment can be given anywhere under the Govt. of India depending upon availability of the suitable vacancy meant for the purpose of compassionate appointment."
- (f) If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the administrative Ministry / Department / Office to take up the matter with other Ministries / Departments / Offices of the govt. of India to provide at an early date appointment on compassionate grounds to those in the waiting list."

5. That the applicant-petitioner states that the Order dated 9-5-2005 passed in O.A. No. 85 2005 had made it very clear that the appointment of the applicant-petitioner to any GDS post on compassionate ground is legally impermissible. That the applicant-petitioner had communicated the Orders so passed by this Hon'ble Tribunal in O.A. 85 of 2005 disposing of the matter in above line along with her representation as well as a copy of the orders so passed by this Hon'ble Tribunal. The same was duly received by the Respondents as well.

A copy of the representation filed by the petitioner-applicant alongwith the acknowledgement received enclosed herewith and marked as Annexure-2.

6. That thereafter inspite of specific direction by this Hon'ble Tribunal, the Respondent No.5, the Superintendent of Post Offices, Dharmanagar Division vide letter dated 20-12-2005 had offered appointment to the applicant-petitioner in GDS under Dharmanagar Division. The petitioner-applicant had sought details regarding the nature of the post and in response the Respondent No.5 had informed that GDS is not a departmental official or employee and it is an extra-departmental one vide his letter dated 30-12-2005 and thereafter on several occasions the Respondent No.5 made communications to the petitioner-applicant to ensure her willingness to join the GDS cadre.

A copy of the letter dated 20-12-2005 the clarification sought by the petitioner dated 29-12-2005 and the clarification provided by the Respondent No.5 on 30-12-2005 are enclosed herewith and marked as Annexure-3, 4 and 5 respectively.

7. That the applicant states that thereafter the Respondents issued several reminders dated 24-1-2006, 27-1-2006, 14-2-2006, 8-3-2006 and 6-6-2006 seeking her willingness to join the GDS cadre in compliance of the directions given by this Hon'ble Tribunal in O.A 85 of 2005. The communications as aforesaid were objected by the petitioner-applicant specifically stating therein that her case may be considered in terms of the directions issued by the Hon'ble Administrative Tribunal and GDS cadre is extra-departmental in nature on daily-wage basis is something which is not contemplated by the Scheme of compassionate appointment formulated by the Government and was reiterated by the Hon'ble Tribunal in Judgment and Order dated 9-5-2005.

The relevant reminders as aforesaid dated 24-1-2006, 27-1-2006, 14-2-2006, 8-3-2006 and 6-6-2006 and the objection filed by the petitioner dated 2-3-2006 and 18-5-2006 are enclosed herewith and

marked as Annexure-6 series and 7
series respectively.

8. That the applicant states that the manner in which the Respondents are dilly-dallying the matter offering the petitioner-applicant to join a GDS cadre in spite of specific direction by this Hon'ble Tribunal that the same is not permissible under the Rules in force makes out a clear case of deliberate and willful violation of this Hon'ble Tribunal's directions as contained in the order dated 9-5-2005. It is needless to mention here that a GDS cadre is extra-departmental cadre as has been acknowledged by the Respondents themselves is on the daily-wage basis which is specifically been barred by the office memo dated 9-12-1998 as referred to herein above. Thus offering such appointment to the petitioner-applicant in the name of compliance of the direction passed by this Hon'ble Tribunal is a mere eye-wash and amounts to a willful and deliberate violation of this Hon'ble Tribunal's direction.

9. That the applicant-petitioner states that the order dated 9-5-2005 passed in OA 85 of 2005 is well within the knowledge of the Respondent-Contemners. There is no ambiguity in the order so passed by this Tribunal leading any confusion towards implementation. The order has not been challenged before any authority and nor was the orders so passed by this Tribunal modified or altered by any competent court having jurisdiction. The orders so passed by the Tribunal stands as it was and therefore the action of the Respondents as stated in the foregoing paragraphs is a clear violation of the direction of this Hon'ble Tribunal and is liable to be adjudged as such.

10. That the Respondents having full and complete knowledge of the matter is sitting tight over the matter and deceitfully trying to defeat the order of this Tribunal passed in favour of the petitioner without any genuine ground. In the meantime the petitioner-applicant faces tremendous hardships for survival. Thus it is a fit case to be adjudged under Section 12 of the Contempt of Court's Act read with

Article 215 of the Constitution of India and the Respondents be punished for the same for willful disobedience of the order passed by this Hon'ble Tribunal.

11. That the applicant submits that it is a fit case where this Hon'ble Tribunal will initiate proceedings against the Respondents under Section 12 of the Contempt of Court's Act and pass appropriate order imposing punishment on the Respondents for non-compliance of the order passed by this Hon'ble Tribunal on 5-9-2005.

12. That this petition is filed bonafide and in the interest justice.

Under the facts and circumstances it is therefore prayed that this Hon'ble Tribunal may be pleased to admit this petition, call for the records and issue notices to the Contemners to show cause as to why appropriate proceedings under Section 12 of the Contempt of Court's Act, 1971 shall not be initiated against them for deliberate and willful violation of the direction passed by this Hon'ble Tribunal on 9-5-2005 in O.A. 85 of 2005 directing appointment of the petitioner on compassionate ground on death of her father during the year 2000 on the basis of office memo dated 9-10-1998 in force and on cause nor causes being shown, punish the Respondent-Contemners under Section 12 of the contempt of Court's Act and / or may pass any appropriate order under Article 215 of the Constitution of India and may pass any other further order or orders as Your Lordships may deem fit and proper under the facts and circumstances.

And for this act of kindness your petitioner as in duty bound shall ever pray.

M/s. Mahima P. Warkopashe

AFFIDAVIT

I, Smti Madhumita Purkayastha, aged about years, Daughter of Late Asit Ranjan Purkayastha, Resident of Dharmanagar P.O-Chandrapur, North Tripura, do hereby solemnly affirm and swear as follows :

1. That I am the petitioner in this instant petition in this instant petition and being fully acquainted with the facts and circumstances of the case I am competent to swear this affidavit
2. That the statements made in this affidavit and in paragraphs 1 to 7 of the accompanying application are true to my knowledge, and those statements made in paragraphs 8, 9 and 10 are true to my information derived from records of the case which I believe to be true and the rest are my humble submissions before this Hon'ble Court. I supplied the annexures annexed to this petition to the counsel as copied from the original.

And I sign this affidavit on this the day of
2006 at Guwahati.

Identified by

Papia Chakraborty
Advocate's Clerk.

Madhumita purkayastha

DEPONENT

*The deponent has sworn before
me and identified by me*

Papia Chakraborty Advocate

DRAFT CHARGE

This Contempt Petition arises out of willful deliberate violation of Judgment and Order dated 05.09.2005 passed in O.A. No. 85 of 2005 by Sri Niranjan Das, Superintendent of Posts Dharmanagar Division. Sri Trisoljit Sheti, the Director of Postal Services, Tripura and Sri P. Gopinath, Postmaster General, N.E. Circle. The order passed by this Hon'ble Tribunal was duly communicated to them and received by them as well and deliberately and willfully has flouted the order. Hence may be punished under the Contempt of Court Act as well as under the provision of Article 215 of the Constitution of India.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 234 of 2004 & 85 of 2005

Date of Order: This, the 5th Day of September 2005.

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

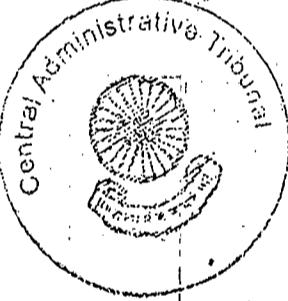
Shri Dhanjit Bayan
Son of Late Upendra Nath Bayan
Village & P.O: Bhawanipur
Dist: Barpeta (Assam). ... Applicant in O.A. 234/2004.

By Advocates Dr. Mrs. M.Pathak, Nr.B.Pathak & Mr.D.Baruah.

✓ Madhumita Purkayastha
Daughter of Late Asit Ranjan Purkayastha
P.O: Chandrapur, Dharma Nagar
North Tripura ... Applicant in O.A. 85/2005.
Pin- 799251.

By Advocates Dr. Mrs. M.Pathak, Nr.B.Pathak & Ms.J.Gogoi.

→ Versus -



1. Union of India
Represented by the Secretary
Government of India
Ministry of Communications
Department of Posts
New Delhi.
2. The Director General
Department of Posts
New Delhi.
3. The Postmaster General
Assam Circle, Meghdoot Bhawan
Guwahati-1.
4. The Assistant Postmaster General (Staff)
Office of the Chief Post Master General
Assam Circle, Guwahati-1.
5. Postmaster, Rehabari Post Office
Rehabari, Guwahati-8. ... Respondents in O.A. 234/2004.

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

1. Union of India
Represented by the Secretary
Government of India
Ministry of Communications
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi-1.
2. The 'Chief Post Master General
NE Postal Circle
Shillong-793 003.
3. The Director of Postal Services
Tripura, Agartala.
4. The Superintendent of Post Offices
Dharmanagar Division
Dharmanagar - 799 250.

... Respondents in O.A. 85/2005.

By Ms. U. Das, Addl.C.G.S.C.

ORDER

SIVARAJAN, J. (V.C.):

Both these cases relate to grant of compassionate appointment to dependents of Postal Department employees who had died in harness under a scheme for compassionate appointment published by the Government of India, Department of Personnel & Training (for short DOPT) O.M. No.14014/6/94-Estt.(D) dated 9.10.1998 and subsequent orders. Since both these applications relate to the compassionate appointment under the dying in harness scheme in the Postal Department and since the issues involved in both these cases are common these two cases are being disposed of by a common order.

2. Heard Mr. B. Pathak, learned counsel for the applicants and Mr. A.K. Chaudhuri and Ms. U. Das, learned

Addl. C.G.S.C. for the respondents in O.A. Nos. 234/2004 and O.A. 85/2005 respectively.

3. The applicant in O.A. No. 234 of 2004 is the son of late Upendra Nath Bayan who died while in service as a Group 'D' employee on 1.6.1999. The applicant, it is stated, had obtained a death certificate of his father on 17.7.1999 and applied to the third respondent on 9.8.1999 for appointment to a Group 'C'/'D' post on compassionate ground under the scheme of the Central Government. The applicant, it is stated, had submitted reminder representations on 3.10.2000, 19.1.2001 and ultimately on 25.5.2002. Since there was no response from the respondents, the applicant had filed O.A. No. 394/2002 before this Tribunal. The said O.A. was disposed of by order dated 2.1.2004 (Annexure-F). The respondents were directed to consider the case of the applicant for compassionate appointment with utmost sympathy to any Group 'C' or 'D' post available with the respondents to which the applicant is entitled as per rules and regulations relating to compassionate appointment. Pursuant to the said direction, the respondents have passed an order on 7.5.2004 (Annexure-G) rejecting the representation of the applicant. The applicant has impugned the said order in this application.

4. The applicant in O.A. No. 85 of 2005 is the daughter of late Asit Ranjan Purkayastha, SPM, Churaibari under Dharmanagar Sub-Division, North Tripura who died in harness on 29.5.2000. The applicant after obtaining the

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death certificate of her father applied to the forth respondent on 15.9.2003 for appointment on compassionate ground. The fourth respondent thereupon by letter dated 18.9.2000 directed the applicant to submit application in prescribed form. The applicant, it is stated, has complied with the same. The respondents by communication dated 12.3.2002 (Annexure-D) informed the applicant that her request for compassionate appointment could not be recommended by the Circle Relaxation Committee (for short CRC) due to non-availability of vacancy. It is the case of the applicant that the respondents gave assurance to the applicant that her case for compassionate appointment will be considered in due course, but no communication was made by the respondents in this regard. The applicant after seeing advertisement published in the newspaper calling for application for 37 posts under the respondents requested the respondents by representation dated 5.4.2004 (Annexure-E) for giving appointment to her. Since the said representation was not considered, the applicant filed O.A. No.163/2004 before this Tribunal, which was disposed of by order dated 28.7.2004 (Annexure-G). The applicant was directed to file representation to the respondents narrating the grievances within two weeks and the respondents were directed to give reasoned reply within six weeks from the date of receipt of the representation. The applicant accordingly made a representation dated 30.8.2004 (Annexure-H). The second respondent disposed of the said

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representation by order dated 22.9.2004 (Annexure-I) rejecting the request of the applicant.

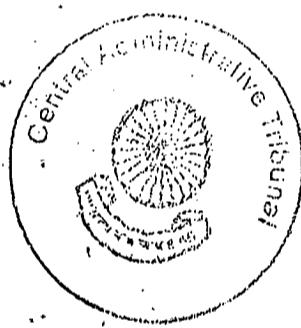
5. The reason for rejecting the applications for compassionate appointment sought for by the applicant in both these cases is that sufficient number of vacancies in the Circle Office/Division were not available for giving compassionate appointment to the applicants. In one case, it is stated that one vacancy which was available for appointment on compassionate ground was given to a more deserving hand than the applicant. There is a quota of 5% of Direct Recruitment vacancies fixed for appointment on compassionate ground.

6. In order to appreciate the justifiability of the rejection orders passed by the respondents in both these cases it is necessary to advert to the scheme for compassionate appointment. A study report prepared by the Department of Administrative Reforms and Public Grievances in 1990 made certain recommendations which were accepted and communicated by the Government of India, DOPT O.M. No.32/4/98-Welfare dated 29.7.1998. The said O.M. contains the following recommendations:

- "1. The Department of Personnel and Training should revise its instructions so as to define the term 'near relative' and to include a wife or husband or brother or sister of the deceased Government servant as a beneficiary of the scheme of compassionate appointments.

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2. The power to relax limit of 5% of direct recruitment vacancies for making compassionate appointments should be vested with the Secretary in the Ministries/Departments of Government of India.
3. The Ministries/Departments should ensure that the compassionate appointments are made on means-cum-merits basis.
4. The Welfare Officer in each Ministry/Department should meet the members of the family of the deceased Government servant immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him.
5. A time norm of 6 to 8 weeks should be fixed, for making compassionate appointments.
6. The Department of Personnel and Training should make arrangements for a periodic review of cases of compassionate appointments dealt with the Ministries/Departments with a view to reduce delay and to get feedback on the problems faced by Ministries/Departments in the implementation of the scheme of compassionate appointments.
7. The officer dealing with compassionate appointments should be made to understand the scheme of compassionate appointments and its objectives so that they take a more humanitarian approach towards processing the cases of compassionate appointment.
8. Wherever the cases are screened by a Board/Committee of officers, the frequency of the meeting of such Board/Committee should be increased to once a month so that the applications do not remain unattended for long.



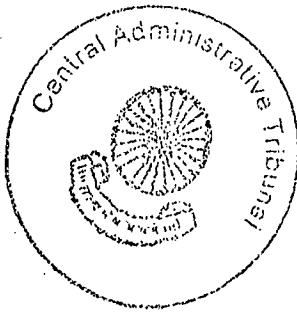
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9. The Ministry of Defence should allow candidates selected for compassionate appointment to join on a provisional basis pending detailed verification of their character antecedents. Such candidates may, however, be given some non-sensitive charges till completion of detailed verification of their character antecedents."

The relevant paragraphs 3.16.3, 3.16.4, 3.16.5 of the Report are also extracted:

"3.16.3 Appointments on need-cum-economic status basis

It is provided in the instructions/guidelines issued by the Department of Personnel and Training that the appointing authority should be selective in its approach and the economic status of the family and benefits received by the family of the deceased Government servant should be kept in view while considering the cases of compassionate appointment. It was observed that some of the Ministries/Departments/Organisations are not considering this aspect at all. There appears to be a lot of discretion in this regard which may be exercised in favour or against the applicant. The Department of Personnel and Training should consider providing some guidelines for ascertaining the need and economic status of the family of the deceased Government servant. Some of the parameters which can be considered in this regard are (i) income of the family of deceased Government servant; (ii) educational qualifications of the members of the family of the deceased Government servant; (iii) number of dependents and (iv) assets and liabilities left by the deceased Government servant. The Department of Personnel and Training should also reiterate its instructions from time to time to ensure that appointments are made on need-cum-economic status basis and that the latter factor is not ignored by the appointing authority.



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3.16.4 Guidance and Assistance to the family of the deceased

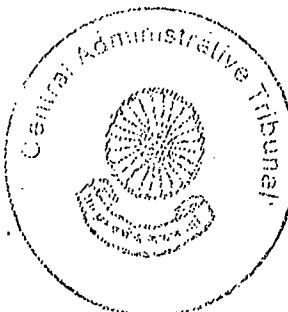
(i) It was observed that processing of application for compassionate appointment is often delayed on the ground that the application is not in the proper pro forma. The dealing officials take their own time to advise the applicant to send application in the prescribed pro forma and to furnish necessary details. Moreover, the information is called for piecemeal. In this process applicants who are not familiar with the procedure are made to run from pillar to post.

(ii) It is suggested that a system of calling the applicant in person at the very initial stage as done in the Ministry of Railways, should be adopted by the other Ministries/Departments/Organizations so that the applicant can be advised in person about the requirements and formalities to be completed by him. Since the entire scheme of compassionate appointment is a welfare measure, the Welfare Officer in each Ministry/Department should be required to meet members of the family of the deceased Government servant immediately after his death, and to advise and assist him applying for appointment on compassionate grounds in a correct manner so that the application can be processed speedily.

3.16.5 Fixing time norms for making compassionate appointment and review by the Department of Personnel and Training.

(i) Department of Personnel and Training should also consider fixing some reasonable time limits, say 6 to 8 weeks, for making compassionate appointments. The cases which cannot be considered on account of non-availability of vacancies may, however, be not subjected to this limitation.

(ii) It was felt that there was a lack of feedback and the review of the implementation of the instructions of the Department of Personnel and Training.



The Government had accepted the said recommendations by forwarding copy of the Recommendations and the Welfare Officers attached to the Ministry/Department were directed to take action on recommendation No.4 of the report as and when such cases arise in their respective Ministry/Department. The Government of India DOPT in O.M. No.14014/6/94-Estt.(D) dated 9.10.1998 with reference to the above recommendations had revised/simplified the procedure for compassionate appointment and published the same in the form of a scheme for compassionate appointment which has superceded all the existing instructions on the subject. The recommendations and the scheme are contained in Chapter 32 under the caption "Compassionate Appointments" in Swamy's Complete Manual on Establishment and Administration for Central Government Offices, 9th edition-2003. The Scheme provides the object, the person to whom it is applicable, the authority competent to make compassionate appointment, the posts to which such appointment can be made, exemptions and relaxations. Clause 7 provides for determination/ availability of vacancies which reads as under:-

"Determination/Availability of Vacancies

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only, if regular vacancies meant for that purpose are available.
- (b) Compassionate appointments can be made up to a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. The

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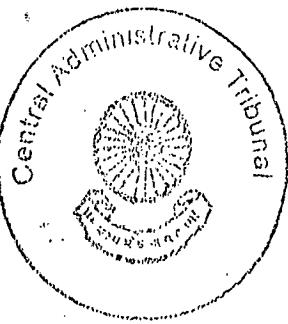
Appointing Authority may hold back up to 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise, so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category, viz., SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category, he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and, if he belongs to General category he will be adjusted against the vacancy point meant for General category.

(c) While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ ad hoc/contract basis against regular vacancies, there is no bar to considering him for such appointment, if he is eligible as per the normal rules/orders governing such appointments.

(d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilizing any other vacancy, e.g., sports quota vacancy."

In the original scheme published by the DOPT there are two more sub-clauses which reads as follows:-

(e) Employment under the scheme is not confined to the Ministries/Department/Office in which deceased /medically retired Government servant had been working. Such an appointment can be given anywhere under the Government of India depending upon availability of a suitable vacancy meant for the purpose of compassionate appointment.



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(e) If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the Administrative Ministry/Department/Office to take up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list."

Various other matters including Court decisions are specified in the scheme. Another Government order O.M. No.14014/18/2000-Estt.(D) dated 26.2.2001 modified the O.M dated 9.10.1998. It has been decided that in future the Committee for considering the request for appointment on compassionate ground should take into account the position regarding the availability of vacancy for such appointment and should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/Department/Office, that too within the ceiling of 5% of vacancies falling under Direct Recruitment quota in any Group 'C' or 'D' post prescribed in this regard in Para.7(b) of O.M. dated 9.10.1998. Another Government order O.M. No.14014/24/99-Estt.(D) dated 28.12.1999 provides for Calculation of Vacancies by Grouping of posts which is reproduced below:-

"(9) Calculation of Vacancies by Grouping of posts:- The question of non-availability of vacancies for appointment on compassionate grounds

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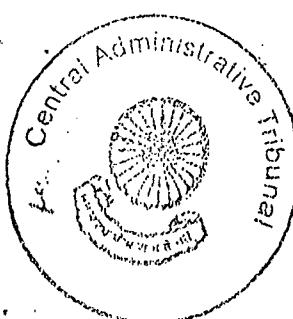
within the ceiling of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post prescribed in this regard in Paragraph 7(b) of O.M. No.14014/6/94-Estt.(D), dated 9-10-1998 [Order (2) above] particularly in small Offices/Cadres has been considered by the Government keeping in view difficulties being experienced in this regard even in genuine/deserving cases.

1. Accordingly, it has been decided to allow grouping of posts in small Offices/Cadres for the purpose of calculation of vacancies for appointment on compassionate grounds. Consequently, Group 'C'/'D' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies, 5% may be filled on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one.

2. It is also clarified that for the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy.

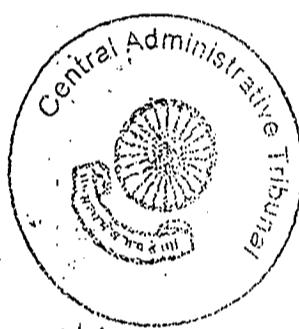
There is another order issued by the DOPT exclusively for postal department in letter bearing No.24/157/78-SPB-I dated 14.7.1978 which reads as follows:-

"(1) Delegation of powers of constitution of committees. In pursuance of the revised policy, it has been decided to further delegate powers to make compassionate appointments (in the grade of Clerks or any Group 'C' post of comparable rank of Group 'D' post in which there is direct recruitment) of widows/sons/daughters of P&T employees who die harness and leave the family in indigent circumstances to Heads of Circle, etc., declared as Heads of Department under



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SR 2(10) if more than five years have not elapsed between the date of application for employment and the date of death of the employee. For this purpose in each Circle (except in Delhi Postal Circle and J & K Circle), a Committee consisting of the Heads of Circle, etc., and two senior Directors should be constituted. In Delhi Postal Circle, the Committee will consist of PMG and DPS and in J & K Circle, it will consist of PMG/GMT and APMG/AG. The Committee should scrutinize all such cases and decide them keeping in view guidelines provided by the Department of Personnel and AR. Such appointments must conform to the provisions as regards eligibility, etc., of the relevant Recruitment Rules except the condition of merit and nomination by Employment Exchange. The cases requiring relaxation of educational qualifications and age-limits and in which there is already one earning member in the family if recommended by the Committee will continue to be referred to the Directorate as at present. Similarly, the cases in which more than five years have elapsed between the date of death and the date of application will, if recommended by the Committee, be also referred to the Directorate. But in doing so, it should be borne in mind that the main objective of such compassionate appointments is largely related to the need for immediate assistance to the bereaved family. If more than five years had passed between the date of death and the date of application for appointment, it would appear that the family had some other means of subsistence and was in a position to tide over the crisis resulting from the death of the earning member. In such cases, it should be enquired as to why the widow failed to apply for employment in time and whether all children were minors at the time of death of the employee. Enquiries should also be made as to how the family sustained itself during the interim period."

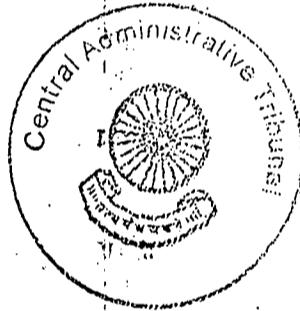


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The object of the scheme is stated in Clause 1 of the scheme thus:

"The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency."

The Government order and the scheme read along with the recommendations were accepted and implemented by the Government. It is relevant in this context to note one important clause in the scheme i.e. Clause 8(b) which reads as under:-

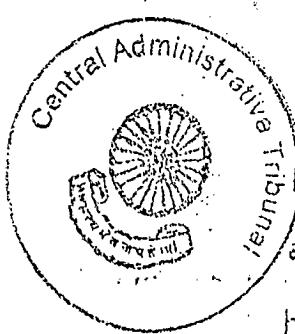


"(b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical ground of a Government servant and not the age of the applicant at the time of consideration."

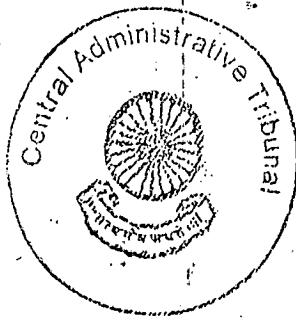
The Government order containing the recommendations in the study report on employment on compassionate grounds and the scheme published as per O.M.No.14014/6/94-Estt.(D) dated 9.10.1998 mandates that, on the death of a Government servant while in service the dependant the widow, son or the daughter of the deceased must be called/contacted at the very initial stage so that they can be advised in person about the requirements and formalities to be complied by them. This, it is stated, is for the reason

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that the entire scheme for compassionate appointment is a welfare measure and therefore, it is the duty of the Welfare Officer in each Ministry/Department/Office to meet the members of the family of the deceased Government servant immediately after his death and to advise and assist them in applying for appointment on compassionate grounds in a correct manner so that the application can be processed speedily. The application for compassionate appointment so filed should be disposed of within six to eight weeks subject to limitation of availability of vacancies. It was also stated that the Committee for considering the application for appointment on compassionate grounds must meet frequently as far as possible every month. The object of giving compassionate appointment to dependents of Government servant dying in harness as stated in the Clause 1 of the scheme is to relieve the family of the Government servant concerned from financial destitution and to help him to get over the emergency. The decision of the Supreme Court in Auditor-General of India and others vs. G. Anantha Rajeswara Rao, (1994) 1 SCC 192 has upheld the scheme of appointment on compassionate grounds to the son or daughter or widow of the Government servant who died in harness only on the grounds of immediate need of assistance in the event of their being no other earning member in the family to supplement the loss of income from the breadwinner to relieve the economic distress of the members of the family. Again the Supreme Court in Umesh Kumar Nagpal vs. State of



Haryana and others JT 1994 (3) SC 525 had observed that the whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help him to get over the emergency. All the above matters stated in the Government O.M. dated 9.10.1998 was intended for the guidance of the Head of the Departments and the Welfare Officers of each department. In short, the Government order mentioned above and scheme published under the said order is intended for the officers to expedite the matters of compassionate appointment keeping in mind the object of granting compassionate appointment. In other words, if there are lapses or laches on the part of the officers under whose jurisdiction a Government servant dies in harness the dependents of the Government servant dying in harness will be deprived of the benefit of the scheme. As already stated, the object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help them to get over the emergency. The Supreme Court in its various decisions had clearly stated that compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future. (JT 1994 (3) SC 525). Thus, if the Ministry/Department/Office keeps an application for compassionate appointment without any action under one pretext or other and the matter is delayed for one or two years the Supreme



Court decision will operate against the applicant and thereby he is deprived of the benefit of the scheme for no fault of the applicant.

7. As already noted, compassionate appointment can be made only against Group 'C' and 'D' posts to which the direct recruitment can be resorted to. A quota of 5% of direct recruitment vacancies is also prescribed under the scheme for compassionate appointment. In the scheme of 1998 Clause 7(e) provides that the employment under the scheme is not confined to the Ministry/Department/Office in which the deceased Government servant had been working. Such an appointment can be given anywhere under the Government of India depending upon the availability of a suitable vacancy meant for the purpose of compassionate appointment. Clause 7(f) further provides that if sufficient vacancies are not available in any particular office to accommodate the person in the waiting list for compassionate appointment it is open to the administrative Ministries/Department/Office to take up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list. These provisions were available in the scheme till 26.2.2001, for as per O.M. dated 26.2.2001 the O.M. dated 9.10.1998 was modified. As per the modified scheme, the Committee for considering the requests for appointment on compassionate grounds should take into account the position regarding the availability of vacancy for such

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appointment and should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/Department/Office, that too within the ceiling of 5% of vacancies falling under Direct Recruitment quota in any Group 'C' or 'D' post. By the Government order dated 28.12.1999 regarding calculation of vacancies by grouping of posts the Government of India decided to allow grouping of posts in small offices/Cadres for the purpose of calculation of vacancies for appointment on compassionate grounds as per which Group 'C'/'D' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies, 5% may be filled on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one. It is in this context Clause 8(b) of the Scheme comes into play. It has already been extracted above which says that the application has to be decided with reference to the date of death of a Government servant and not the age of the applicant at the time of consideration. Thus, the date of death of the Government servant is the crucial date for deciding the eligibility for appointment on compassionate grounds.

8. Now, I will come to the present two cases. As already stated, the father of the applicant in O.A. 234 of

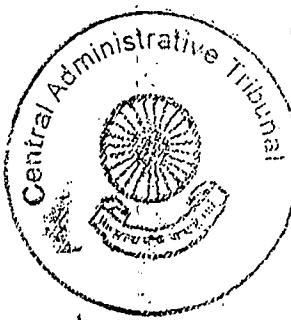
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2004 died on 1.6.1999 and the father of the applicant in O.A.85 of 2005 died on 29.5.2000. In view of Clause 8(b) of the scheme of 1998 the eligibility for granting compassionate appointment has to be decided with reference to the date of death of the Government servant concerned. In other words, the law as is stood on that day will apply to the applicants' case. Admittedly, the scheme of 1998 in its original form i.e. as is stood prior to, 26.2.2001 will apply to the present cases. As already noted, by virtue of Clause 7(e) and (f) if there are no vacancies in the administrative Ministries/Department/Office in which the deceased Government servant had been working, the applicants can be given appointment anywhere under the Government of India depending upon the availability of suitable vacancies meant for the purpose of compassionate appointment and it is the duty of the administrative Ministries/Department/Office to take up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to the applicants.

9. From the facts stated in paras 2 and 3 of this judgment it can be seen that the Head of the Departments/Welfare Officers attached to the office, where the deceased Government servant was working, neither made any effort to call the dependents of the deceased Government servants to the office nor visited the house of the deceased Government servant, as the case may be, to

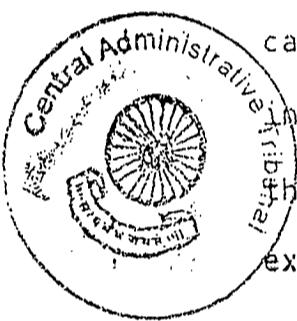
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apprise them of the scheme and the formalities to be complied with in applying for compassionate appointment. These resulted in the applicant in O.A.234/2004 filing the application only on 9.8.1999 i.e. after two months. Similarly, the applicant in O.A.85/2005 had filed the application only on 15.9.2000 whereas her father died on 29.5.2000 i.e. approximately four months after the death of her father. It is also seen that the respondents did not take any active steps keeping in mind the object with which the compassionate appointments are being made. Though various representations have been made by the applicant in O.A.234/2004 from 1999 onwards the applicant was not considered by the authorities in the manner they were expected to consider. Inspite of the directions issued by the Tribunal also, the respondents have dealt with the matter in a casual way. The order dated 7.5.2004 (Annexure G in O.A.234/2004) noted the facts that the Government servant concerned expired on 1.6.1999 and the applicant had filed application for compassionate appointment on 9.10.2000. It is also stated that the application was processed and kept ready for placing the same before the Circle Selection Committee (for short CSC) but the applicant filed O.A.394/2002 before this Tribunal and the Tribunal disposed of the case on 2.1.2004. The respondents have then referred to the guiding principles, yardsticks and parameters for compassionate appointment laid down by the Supreme Court and stated that the case of the applicant has been considered and rejected by the CSC on the ground

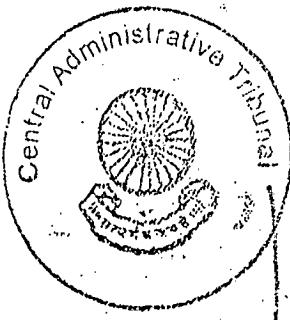


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that there are more deserving cases than that of the applicant to fill up the limited available posts and that the number of dependents in the family of the applicant are less relatively in comparison to that of other candidates. It is also stated that as per the object of the scheme, compassionate appointment is considered to render immediate assistance for relief from financial destitution to the most indigent and deserving family left behind by the deceased employee and that in the instant case no such situation has been found prevailing on considering the case. Similarly, in the order dated 22.9.2004 (Annexure-I in O.A.85/2005) it is stated that the application filed by the applicant was received on 31.1.2001; the case was examined by the Circle Recruitment Committee alongwith other requests; as there was no vacancy in compassionate quota under the stipulated 5% of direct recruitment vacancies, the applicant's case could not be considered for compassionate appointment. Regarding 37 posts advertised for appointment it is stated that the vacant posts were meant for different divisions/unit for the purpose of recruitment under the direct recruitment quota for the circle as a whole. The respondents in their written statement in O.A.85/2005 has stated that the case of the applicant was considered by the CRC on 29.11.2001 but her case was not found eligible due to non-availability of requisite vacancy and that the some other case found more deserving than that of the applicant were recommended to fill up the limited available vacancies in the given



period. Regarding Clause 7 (e) and (f) of the scheme for compassionate appointment of 1998 it is stated that the practice of circulating the names of deserving/wait listed applicants to other Ministries/ Department/Office was discontinued vide Department order No.37-16/2001-SPV-1 dated 25.7.2001 in pursuance of the new policy guidelines framed by the DOPT, Ministry of Personnel, Public Grievances and Pensions, Government of India. The case of the applicant, it is stated, arose much later than the Government notification and as such question of referring his case to other Ministries/Departments/ Offices for appointment on compassionate grounds did not arise. It is further stated that the system of maintaining a wait list of approved applicants for compassionate appointment was also discontinued w.e.f. 8.2.2001 vide departments order No.24-1/99-SPB-I dated 8.2.2001 issued pursuant to the new policy issued in the O.M. dated 24.11.2000. The decisions of the Supreme Court is also relied. Further it is stated that the applicant applied for compassionate appointment in a Group 'C' or 'D' post; his case was considered for the post of Group 'D' as she is entitled to being a matriculate; there is no provision in rules/policy that the applicant could have been appointed in the post applied for on compassionate grounds. The claim of the applicant for a GDS post at this stage is legally impermissible. It is stated that the applicants who were approved for compassionate appointment prior to the year 2002 were offered absorption in GDS post to mitigate their hardship.



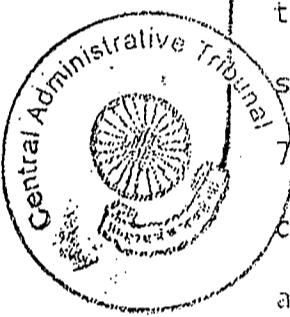
10. The applicant in O.A.234/2004 filed a rejoinder and the respondents also filed reply to the said rejoinder.

11. The respondents in this case, according to me, did not bear in mind the recommendations made in the study report which was approved by the Government and the scheme of 1998 issued by the Government while considering the application submitted in the matter of compassionate appointment to the applicants. The respondents never called the dependents of the deceased Government servants to inform them about the formalities to be complied with in the matter of compassionate appointment. Even when the applicants had filed applications, they did not take any appropriate step either for rectifying the mistake, if any, in the applications or for placing the applications before the Committee constituted for the purpose at the earliest opportunity. It is also not clear as to whether the committee constituted for considering the applications for compassionate appointment was sitting regularly once in a month or at least once in three months. As per the scheme, the applications for compassionate appointment have to be disposed of within six to eight weeks. In the instant case,

the respondents have kept the applications pending for years together i.e. the application submitted by the applicant in O.A.234/2004 on 9.8.1999 was kept pending till 7.5.2004 and that too an order was passed on 7.5.2004 pursuant to a direction issued by this Tribunal. The respondents are thoroughly at lapses and laches in the

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matter of dealing with the applications for compassionate appointment submitted by the applicant. They did not advert to the fact that an application submitted belatedly also has to be considered with reference to the date of death of the Government servant. In the instant case, the consideration was with reference to the date on which the application was taken for consideration and it is with reference to that the orders have been passed. If the respondents had noted that the crucial date for consideration of the application was the date of death of the Government servant as provided under Clause 8(b) of the scheme, they should have applied the provisions of Clause 7(e) & (f) and also would have kept an approved list for compassionate appointment, instead of telling the applicants that there is no vacancy available at 5% quota for compassionate appointment. That apart, under Clause 7(e) it is not only the vacancy available in a particular division or a circle which is relevant for the purpose of determining 5% vacancies; it is the whole department/office/Ministry. If there is no vacancy in the office in which the deceased Government Servant was employed, the vacancy in the department has to be considered and if there is no vacancy in the department, then the vacancy in the Ministry has to be considered. Even if there was no vacancy in these places the Head of the Departments had to address the matter to other departments/Offices/Ministries. But nothing had been done. Not only that the respondents have slept over the matter



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without any regard to the Government orders and the scheme issued thereunder now they are contending that the applications are belated; that the object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help to get over the emergency and that since that stage has crossed, the applicants could not be granted reliefs. Such an attitude on the part of the respondents cannot be approved since they had not done their part of the obligation under the Government orders and the scheme. If as a matter of fact, the respondents had called the applicants and informed them of the scheme and its formalities and if notwithstanding the above there was dereliction on the part of the applicants it may be open to the respondents to rely on the decisions of the Supreme Court and say that the applicants cannot be granted reliefs at a later stage. The attitude taken by the respondents in the present cases has only to be deprecated.

12. To put it shortly, the impugned orders are patently illegal and had been passed in total disregard and in violation of the provisions of the Government orders dated 9.10.1998 as is stood at the relevant time i.e. the date of death of the Government servant in both the two cases. I, accordingly, quash both the orders dated 7.5.2004 (Annexure-G in O.A.234/2004) and 22.9.2004 (Annexure-I in O.A.85/2005). I direct the respondents to consider the case

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of the applicants with reference to the Government order dated 9.10.1998 and the scheme issued thereunder as ^{9.10.1998} stood during the relevant period i.e. the date of death of the Government servant in both the cases particularly with reference to Clause 7(e) and (f) of the scheme which I have already extracted earlier in this judgment. This exercise will be done by the concerned authority within a period of four months from the date of receipt of this order. The decision so taken will be communicated to the applicants in both these cases immediately thereafter.

Both these two O.A.s are allowed as above.

SD/VICE CHAIRMAN

TRUE COPY

ग्रन्तिलिपि

N. Soni 13.9.05
अनुभाग अधिकारी

Section Officer (Jud)

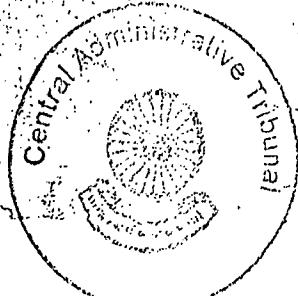
Central Administrative Tribunal

गुवाहाटी २.८८४७

GUWAHATI 781 008

গুৱাহাটী, গুৱাহাটী-৫

N. Soni 13/9



ANNEXURE - 2

मा जहाँ NOT INSURED
जये डाक टिकटों का गूल्य रु. 2/-
Stamps affixed Rs. 2/- P. 1048
Date 10/10/1968
मा जहाँ Registered
मा जहाँ
ssed to The Check Post
Signature of Receiving

मा जहाँ NOT INSURED
जये डाक टिकटों का गूल्य रु. 2/-
Unt of Stamps affixed Rs. 2/-
मा जहाँ Registered
मा जहाँ
ssed to The Check Post
Signature

Certified to be
true copy
Ritumani Deka
Advocate

Address :-

Madhumita Purkayastha.
 C/o Manju Purkayastha.
 P.O. Chandrapur, Dharmanagar.
 North Tripura : 799251.

To
 The Chief Post-Master, General.
 N.E. Circle, Shillong -793001.

Sub :- Appointment on Compassionate Ground by
 relaxation of Normal Rules, in Compliance
 with the dated 5.9.2005 delivered by the
 Bench of the Hon'ble Central Administrative
 Tribunal.

Respected Sir,

With due respect and humble submission I like to
 lay down the following matter to your kind notice for consideration
 and an early action from your end.

That Sir, my father late Ashit Ranjan Purkayastha,
 while on duty as the Sub-Postmaster of Churaibari S.P.M. Under
 Dharmanagar Sub-Division of Tripura died suddenly on 29.5.2000
 leaving the following Survivors.

1. Smti. Manju Purkayastha (Wife, aged 49 years)
2. " Madhumita purkayastha(Daughter, aged 26 years)
3. " Nanidipa purkayastha (Daughter, aged 22 years)
4. Sri Arindam purkayastha (Son, aged 8 years)

That Sir, among ~~his~~ his children I am the eldest
 and I possess requisite qualification for a group 'C' Post.

All my educational qualification have been
 mentioned below :-

1. Academic qualification :- Passed Higher Secondary (+2 stage)
 examination in 1996 A/D.
2. Other qualification. (A) I know type writing(English) with a
 speed of 40 W.P.M.
 (B) I can handle Computer.

That Sir, now our family is passing its days in a
 very miserable condition as there is no earning member in our family.
 My mother has been maintaining the family with the family pension.

P.T.O.

:- (P 2) :-

In the circumstances stated above I pray and hope that Your honour will kindly take necessary steps to offer me a suitable post to save this helpless family and honour the judgement of the Hon'ble Tribunal's Despatch No. Cat|GHX|JUDL|1407|Dtd.Guahati the 16-9-05 (A Copy of the judgement is enclosed herewith) for which I shall remain evergrateful to you.

Dated :-

Yours faithfully

Madhumita Purkayastha

Enclo :- 1) Copy of Tribunal's letter
No. CAT|GHX|JUDL|1407|Dtd.
Guahati the 16-9-05.
2) H.S. Certificate.
3) Type writing Certificate.
4) Computer Certificate.

Copy to :-

1) The Union of India, Represented by the Secretary,
Govt. of India, Ministry of Communications, Department of
Post Dak Bhawan, Sansad Marg.
/11/05 ✓ 2) The Supdt. of Post Offices, Dharmanagar Division,
Dharmanagar- 799250.
indeed. is receive 3) The Director of Postal Services, Tripura, Agartala, for
Section. their kind information and necessary action please.

Dated :- Chandrapur.

The 5/11 | 2005.

NOT INSURED		নথি
পরিদর্শন নম্বর	৩০	নথি নম্বর
Signature	Rs. 2.50 P. O. D.	পদ্ধতি নথি
Union of India	পদ্ধতি নথি	পদ্ধতি নথি
Registered	পদ্ধতি নথি	পদ্ধতি নথি
নথি নথি	Bank of India	পদ্ধতি নথি
নথি	San Francisco	পদ্ধতি নথি
New Delhi		পদ্ধতি নথি

Certified to be
true copy
Ritumoni Deka
Advocate

41- 50
धीमा नहीं NOT INSURED

इमाये गये डाक टिकटों का मूल्य २० पैसे
Amount of Stamps affixed Rs. 25/-

इक रजिस्ट्रेड प्राप्त किया

Received & Registered

खरेदाले का नाम The Superintendent of Post Office

Addressed to

N-Delhi पानेवाले जापियारी

Signature of Receiving Officer

फॉर्म का नंबर
No.



धीमा नहीं NOT INSURED

इमाये गये डाक टिकटों का मूल्य २० पैसे
Amount of Stamps affixed Rs. 25/-

इक रजिस्ट्रेड प्राप्त किया

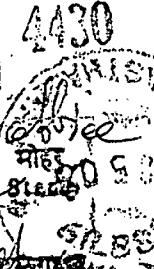
Received & Registered

खरेदाले का नाम The Superintendent of Post Office

Addressed to

R. T. M. 79925

Signature of Receiving Officer



नियमित वस्तु/For insured articles only.

प्राप्ति-स्वीकृति (रसीद) / Receipt of ACKNOWLEDGEMENT

प्राप्ति रसीद
प्राप्ति नाम पद्धति विवरण राज्य प्राप्ति

प्राप्ति रसीद/विवरण प्राप्ति रसीद/पासपोर्ट/पासपोर्ट/पासपोर्ट/पासपोर्ट

* Received a Registered Insured

ग्रामक

नं-

R 4426
18/5/06

Date of delivery: 19

Union of India
Represented by the Secretary

Government of India

Ministry of Communications

Department of Posts

Shri K. B. Bhawan, Sansad Marg

Signature of addressee

Date of delivery: 19

नियमित वस्तु/For insured articles only.

Addressed to (नाम) श्रीमति श्रीमती

श्रीमति श्रीमती श्रीमती

16 -

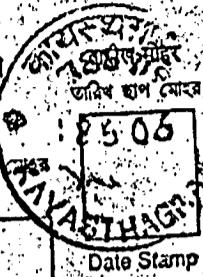
नो. ५४

दाता. नं. ५४

R.P.-54

भारतीय डॉक्टर-विभाग/भारतीय डॉक्टर विभाग
DEPARTMENT OF POSTS, INDIA

प्रेसकार्यालय नाम-पोस्ट/प्रदानालय, डॉक्टरों नामव द्वारा
[Allegation/Stamp of office of posting]
KARTMAGANJ U.P.



प्रेसकार्यालय नाम परा/व्यवस्था नाम दिला-वा/ Sender's address

Madhumita Purkayasha

Ms. Manju Purkayasha

P.O. Chandrapur

पिन/पर्स/पिन 7919251

Dharmenagar

प्रभाराम/MCIP(FU), Sant- Post/32-(SFS/1/22/35/PL 11/3-4-92)-20-7-92- 00,000

भारतीय डिपोर्टमेंट ऑफ पोस्ट्स ऑफ इंडिया
DEPARTMENT OF POSTS, INDIA

राष्ट्र. नं. 54

संस्कृत. नं. 48

R.P.-54

प्राप्ति ग्रहण करने वाले का नाम और दूष्प्रभाव
Name-Stamp of Office of posting

KAYA

KARIMPURNU D:11



प्राप्ति वाले का नाम / दूष्प्रभाव का नाम / Sender's address

Madhumita Purkayastha

c/o Manju Purkayastha

P.O. Chandrapur धिन / PIN/PLIN

Charmangar 799251

प्राप्ति का नाम / दूष्प्रभाव का नाम / Recipient's name / Date stamp

N. Tripura

आर.पी.-54

प्राव. नं.-०८

R.P.-54

भारतीय डाक-विभाग/भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

देशक डाकघर की नाम-जोड़े/इष्टाधनी डाकघर के नामेव घाप लिया
Name of Post Office/Post office of posting

KAYASTH GRAM
KARIMGANJ



Date Stamp

रेडार्टीव वाला/सेन्डर के नाम लिखें/Senders address

From : Madhumita Purkayastha
c/o Manju Purkayastha पिल/पिन/पिन 799251
P.O. Chandrapur
Chandrapur 235703 S.P.I. 118-4-92-30-7-92-
प्रभासगढ़ जि. 235703

L-NO - 648
22/12/05
This item
dated 27/12/05



Department of Posts: India
O/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

No. WLF/A.Purkayastha/2000

Dated at Dharmanagar the 20/12/05

To,

Smti. Madhumita Purkayastha,
D/O-Lt. Asit Ranjan Purkayastha,
Ex-SPM, Churaibari S.O.
P.O.-Churaibari S.O.
N.Tripura

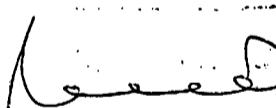
Subject:- Request for appointment under compassionate ground -case of Smti.Madhumita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O. under Dharmanagar Division.

Ref:- Your application addressed to the Chief Postmaster General, Shillong
Dated-03/11/05.

Kindly refer to your application addressed to the Chief Postmaster General, Shillong dated- 3/11/05 regarding request for appointment under compassionate ground

You are hereby requested to kindly let this office know whether you are willing for appointment in GDS cadre under Dharmanagar Division.

Your willingness is requested within 3 (three) days from the date of receipt of this letter.


Superintendent of Post offices
Dharmanagar Division
Dharmanagar 799250.

H.T.O.

To - Shri Supdt. of Post-Offices,
Dharmanagar Division, Dharmanagar
799250

Sub:- Request for understanding about
the job of GDS cadre.

Ref:- NO. WLF/A. Purkayastha. Dated at
Dharmanagar the 20/12/05.

Sir : I like to lay down the following matters
for evaluation and to take needful steps for
my willingness of appointment in G.D.S. cadre
under Dharmanagar Division.

That Sir, I request therefore to kindly
let me know which GDS cadre is departmental
or extra departmental job. Otherwise in which
is divided GDS cadre 'A', 'B', 'C' or 'D'.

That Sir, My father died in harness
on 20-7-2000 and I made so many correspon-
dences with prayers for consideration for providing
me with service on compassionate ground. After
the five years of the death of my father when
appointment on compassionate Ground, in
compliance with the dated 5-9-2005 delivered by
the Bench of The Hon'ble C.A.T., Then Hon'ble Supdt. of
Posts asked me about the willingness of G.D.S. cadre
according to the judgement of C.A.T. Thanking
you for your kind correspondences to ask me
about my willingness of G.D.S. cadre.

P.T.O.

Certified to be
true copy
Lalmanji Deha
Advocate

That is, of hope, That GDS. cadre is equivalent with the job of Postal Assistant as I applied according to the Hon'ble judgement of CAT, Guwahati Bench.

In the circumstances stated above, I request therefore to kindly let me know if your GDS. cadre as I can do the needful and forward in your asking this GDS. cadre.

Thinking you expecting your better reply,
I remain,

Yours faithfully,

Sukul

29.12.08

Madhumita Purkayastha
c/o Manju Purkayastha
P.O. Chandrapur
Sukumargar
N. Tripura

26/12/06
Receiving date of letter
9/1/06



Department of Posts: India
O/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

No. WL/1/A.Purkayastha/2000

Dated at Dharmanagar the 30/12/05

To,
Smti. Madhumita Purkayastha,
D/O-LI. Asit Ranjan Purkayastha,
Ex-SPM, Churaibari S.O.
P.O.-Churaibari S.O.
N.Tripura

Subject:- Request for appointment under compassionate ground -case of Smti. Madhumita Purkayastha, D/O-LI. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O. under Dharmanagar Division

Ref:- Your application dated-29/12/05.

Kindly refer to your application addressed to the Superintendent of Post offices, Dharmanagar Division, Dharmanagar dated- 29/12/05 regarding request for appointment under compassionate ground

It is intimated that GDS is not a departmental official/ employee. It is an extra - departmental one.

You are hereby once again requested to kindly let this office know whether you are willing for appointment in GDS cadre under Dharmanagar Division.

Your willingness is requested within 3 (three) days from the date of receipt of this letter. After which it will be presumed you are unwilling to work in GDS and your unwillingness will be informed to the office of GDS.

Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250.

Certified to be
true copy
Bijumani Deba
Advocate

54-
Recd date
4/3/06

b

(2)

5065
3/3/06

Department of Posts: India
C/o The Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

Regd with AD

Memo. No. WLF/A/Purkayastha/2000

Dated at Dharmanagar the 2/3/06

Smti. Madhumita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O. under Dharmanagar HO is hereby offered with GDS post of GDSBPM, Jalabasa B.O. in a/c Panisagar S.O. under Dharmanagar sub-division.

Smti. Madhumita Purkayastha shall join in the said post within seven (7) days from the date of receipt of this letter and shall forward her joining charge report. If she fails to join within the date her claim for appointment under compassionate ground will be forfeited.

A formal appointment letter shall be issued after observing all Pre-appointment formalities.

SDM
Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250.

Copy to:-

1. The Est. Br; Divisional office, Dharmanagar for information and necessary action.
2. The Post Master, Dharmanagar HO. for information and necessary action.
3. The SDPOs, Dharmanagar sub division for information and to intimate the date of her joining for formalities.
4. The SPM, Panisagar S.O. for information
5. The Officiating GDS BPM, Jalabasa B.O. On joining of Smti. Madhumita Purkayastha he will join in his original incumbent of GDS MD.
6. Smti. Madhumita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O., Now at- Chandrapur S.O., C/O-Manju Purkayastha, N.Tripura

F. O/C

SDM
Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250

17/10
27/1/06
Received late
on - 3/2/06



Department of Posts: India
O/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

2ND REMINDER

No. WLKA/Purkayastha/2000

Dated at Dharmanagar the 24/1/06

To,
Smti. Madhunita Purkayastha,
D/O-Lt. Asit Ranjan Purkayastha,
Ex-SPM, Churaibari S.O.
P.O.-Churaibari S.O.
N.Tripura

Subject:- Request for appointment under compassionate ground -case of Smti. Madhunita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O. under Dharmanagar Division

Ref:- Your application dated-29/12/05.

Kindly refer to this office letter of even no dated -30/12/05 on the above noted subject in which it was intimated that GDS is not a departmental official/ employee, it is an extra-departmental one and you were requested to kindly let this office know whether you are willing for appointment in GDS cadre under Dharmanagar Division. But, till date no reply has been received by this office.

Hence, you are requested to submit your willingness to this office within 3 (three) days from the date of receipt of this letter failing which it will be presumed you are unwilling to work as GDS and your unwillingness will be intimated to CO, Shillong.

Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250

Certified to be
true copy
Bumani Deka
Advocate

Received date

30/1/06

RL/1717

27/1/06



Department of Posts: India
O/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

2ND REMINDER

Dated at Dharmanagar the 27/1/06

No. WLF/A.Purkayastha/2000

To,
Smti. Madhumita Purkayastha,
D/O-Lt. Asit Ranjan Purkayastha,
Ex-SPM, Churaibari S.O.
C/O-Manju Purkayastha
Now at P.O.-Chandrapur S.O.
N.Tripura

Subject:- Request for appointment under compassionate ground -case of Smti.Madhumita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O. under Dharmanagar Division

Ref:- Your application dated-29/12/05.

Kindly refer to this office letter of even no dated -30/12/05 and 24/1/06 on the above noted subject in which it was intimated that GDS is not a departmental official/ employee, it is an extra -departmental one and you were requested to kindly let this office know whether you are willing for appointment in GDS cadre under Dharmanagar Division. But, till date no reply has been received by this office

Hence, you are requested to submit your willingness to this office within 3 (three) days from the date of receipt of this letter failing which it will be presumed you are unwilling to work as GDS and your unwillingness will be intimated to CO, Shillong.

Superintendent of Post offices
Dharmanagar Division
Dharmanagar 799250



Department of Posts: India
O/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

No. WLF/A.Purkayastha/2000

Dated at Dharmanagar the 14/2/06

To,
The Chief Postmaster General (staff)
N.E. Circle, Shillong
793001.

Subject:- Implementation of Judgement order of Honble CAT/Guwahati dated 5/9/05
on OA No. 85/2005, filed by Madhumita Purkayastha.

Ref:- The CO's letter No. staff/ 175-1/2001. Dated- 5/12/05.

With reference to the CO's letter captioned above, it is informed that the Smti. Madhumita Purkayastha was requested under this office letter of even no. dated-20/12/05, followed by 30/12/05, 24/1/06 and 27/1/06 intimate her willingness whether she is willing to work in GDS Cadre but the applicant does not consider up till today to intimate her willing/unwillingness.

However, the applicant can be absorbed in GDS cadre as BPM if she is willing to work but for her willingness.

SD/-
Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250.

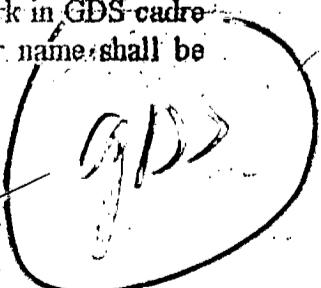
Copy to:-

1. The chief Post master General (vig), N.E. circle, Shillong 793001 for information and to forward a copy of the judgement order of Honble CAT/ Guwahati dated 5/9/05 on OA No. 85/2005, filed by Smti. Madhumita Purkayastha.

2. Smti. Madhumita Purkayastha, D/O-Lt. Asit Ranjan Purkayastha, Ex-SPM, Churaibari S.O., C/O- Mouju Purkayastha, P.O.- Chandrapur S.O. Dharmanagar, N.Tripura for information and to intimate her willingness whether she is willing to work in GDS cadre within three (3) days if ~~any~~ does not come within three (3.) days her name shall be strucked-off from consideration list.

3. o/c.

[Signature]
Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250.



Recd. Date - 2/3/06

R/1470

5138

8/3/06



Department of Posts: India
C/o the Superintendent of Post offices,
Dharmanganagar Division, Dharmanganagar 799250

No. WLPA/Purkayastha/2006

Dated at Dharmanganagar the 8/3/06

To,
The Chief Postmaster General (staff)
N.E Circle, Shillong
793001.

Subject: Implementation of Judgement order of Honble CAT/Guwahati dated 5/9/05
on O/A No. 88/2005, filed by Madhumita Purkayastha.

Ref:- The CO's letter No. staff 175-1/2001. Dated- 16/2/06.

With reference to the CO's letter referred to above it is informed that willingness of Smti. Madhumita Purkayastha was sought under this office letter of even no. dated 24/1/06, 27/1/06 and 14/2/06 under Regd. Post with A/D and were delivered on 3/2/06, 30/1/06 and 16/2/06 respectively.

It is further intimated that under this office letter even No. dated- 2/3/06 she was offered GDS Post in pursuance of CO's instruction under reference and was delivered on 4/3/06 but come is to be known from her.

The photo-copies of the acknowledgement cards of all the above mentioned this office letters of even no. dated 24/1/06, 27/1/06, 14/2/06 and 2/3/06, duly received by Smti. Madhumita Purkayastha, are enclosed for favour of kind information and disposal.

Enclosed:- As stated.

Sd/-

Superintendent of Post offices,
Dharmanganagar Division
Dharmanganagar 799250.

Copy to:-

1. Smti. Madhumita Purkayastha, D/O-LL Asit Ranjan Purkayastha, Ex-SPM, Churailbari S.O., C/O- Manju Purkayastha, P.O.-Chandrapur S.O. Dharmanagar, N.Tripura for information.
2. o/c.

Superintendent of Post offices,
Dharmanganagar Division
Dharmanganagar 799250.

1354
06/06/06

68



Received letter dt
10/06/06

Department of Posts, India
C/o the Superintendent of Post offices,
Dharmanagar Division, Dharmanagar 799250

No. WLJ/A, Purkayastha/2000

Dated at Dharmanagar the 6/6/06

To,
The Chief Postmaster General (staff)
N.E. Circle, Shillong
793001

Subject: Implementation of judgement order of Hon'ble CAT/Cuwehati dated 5/9/05
on OA No. 85/2005, filed by Madhumita Purkayastha.

Ref: The C.P. letter No. staff/ 175-1/2001. Dated- 16/2/06.

A representation of Smti. Madhumita Purkayastha dated-18/05/06 along with a copy of her representation dated 9/3/06 not received by this office are enclosed with information of her non-acceptance of offer given by this office under letter even no dated 2/3/06.

In her representation Smti. Madhumita Purkayastha alleged that she was not offered with a departmental job in implementing the judgment order of CAT in OA No.85/05 decided on 05/9/05 and hence she is unwilling to accept the offer of CDS BPM Post.

Enclosed:- As stated.

8/6

Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250

Copy to:

1. Smti. Madhumita Purkayastha, D/o: L.I. Asst. Postm. Purkayastha, P.o: BPM, Churnibari
B.O.: C.G.O. Akash Purkayastha, P.O.: Chandrapur B.O.: Dharmanagar, N.Tripura for
information

2. o/c.

✓ Superintendent of Post offices,
Dharmanagar Division
Dharmanagar 799250

To

Date:-09/03/2006

The supdt. of post office,
Dharmanagar Division, Dharmanagar 799250.

Ref:- Memo No. WL.F/A. purakayastha / 2000 dated at Dharmanagar 02/03/06.

Respected Sir,

With regard to the subject cited above, I beg to inform you that I received your letter dated 02-03-06 on 04-03-06. Your above referred letter was the order to join in GDS MD. But with regret to inform you that the above referred impugned order is patently illegal because this exercise had not been done by the concerned authority as per the implementation of judgement order of Hon'able CAT Guwahati Bench passed in connection with OA .85/2005 dated 05/09/05 filed by Madhumita Purakayastha . As per the implementation of judgement order of Hon'able CAT Guwahati Bench dated 05/09/05 on OA No 85/2005 filed by Madhumita purakayastha clearly issued an order in favour of Departmental job for appointment under compassionate ground and this exercise will be done by the concerned authority with in a period of four months from the receipt of this order .

So,

Therefore hearby express my unwilling to join in GDS post and I further beg that my case may be considered as per the order dated 05/09/05 as passed by the Hon'ble Central Administrative Tribunal Guwahati Bench in OA. 85/2005 filed by Madhumita Purakayastha .

Yours Sincerely

Madhumita Purakayastha

Madhumita Purakayastha

D/o:- Late Asit ranjan Purakayastha

C/o:- Manju Purakayastha

P.O:- Chandrapur, Dharmanagar

N.Tripura , Pin -799251

Copy to :

1. The chief post Master general,
N.E Circle, Shillong 793001,
For your kind information and necessary action please.

*Certified to be**true copy**Gurmani Deka**Advocate*

Date: 18/05/2006

To

The Supdt. of Post office
Dharmanagar Division, Dharmanagar - 799250.

Reference:- Memo No. WLF/A . Purakayastha /2000 .dated 02/03/06 and my
letter dated 09/03/06.

Respected Sir ,

With due respect I beg to inform you that the above referred my letter
addressed to you was submitted through post on 09/03/06 stating the facts and cir-
cumstances as to why I could not comply the above referred memo dated 02/03/06.

But till the date no reply nor any action has been taken from your end.
Now I am again submitting the copy of my letter dated 09/03/06 through Regd.Post
with A/D. With a great hope you will consider my case and offered me with a suitable
departmental Group 'C' post under Dharmanagar Division as per the implementation
of judgement order of Hon'able CAT .Guwahati Bench passed in connection with
OA.85/2005 dated 05/09/05 with in (15) days from the date of receipt of this letter.

Your sincerely

Madhumita Purakayastha
Madhumita Purakayastha
D/o:- Late Asit Ranjan Purakayastha
C/o:- Manju Purakayastha
P.O:- Chandrapur .Dharmanagar ,
N.Tripura , Pin :- 799251.

Enclo:-

1) Copy of my letter dated 09/03/06.

Copy to :-

- 1) The Chief Post Master General ,
N.E. Circle Shillong 793001.
- 2) The Director of Postal Services ,
Tripura Agartala.
- 3) The Director General Department of
Posts . New Delhi.
- 4) Union of India .
Represented by the Secretary
Government of India Ministry of
communications Department of Posts
dak Bhawan , Sansad marg.
New delhi -1, for their kind information
and necessary action please.

13/11/06
Central Administrative Tribunal
Guwahati Bench
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

CP NO. 23 OF 2006

IN OA NO. 85 OF 2005

Filed by
Respondent No. 1
- Versus -
Shri Niranjan Das & others
----- RESPONDENT/ ALLEGED
CONTEMNOR
the
Ms . Madhumita Purkayastha
----- Petitioner
----- Versus -
Shri Niranjan Das & others
----- RESPONDENT/ ALLEGED
CONTEMNOR

IN THE MATTER OF

An affidavit filed by the respondent No. 1

I, Shri Niranjan Das, Retired Asstt Postmaster General, o/o the Chief Postmaster General , North East Circle, Shillong, who has been erred as Respondent No.1, in the present Contempt Petition, do hereby solemnly affirm and declare as under .

1. The Deponent begs to submit that he held the charge of Dharmanagar Division as Superintendent of Post offices, Dharmanagar Postal Division, during the period from 16-11-04 to 21-12-05 only. While working as Supdt. of Post offices, Dharmanagar, a copy of an application dtd.03.11.2005, addressed to the Chief Postmaster General, North East Circle, Shillong, copy endorsed to the Superintendent of Post Offices, Dharmanagar also, for appointment under compassionate ground with reference to the order of the Hon'ble CAT, Guwahati dtd.05.9.05, in OA no.85 of 2005 was received from Ms Madhumita Purkayastha, on 03.11.2005.

Since the Supdt of Post offices, is not competent to decide compassionate appointment cases, the application was sent to the Chief Postmaster General, N.E.Circle, Shillong vide letter No. WLF/A/ Purakayastha/2000 dtd.10.11.2005, for decision.

2. The Deponent further begs to state that the under signed as Supdt of Post offices was not competent to recruit any one under compassionate ground in any cadre until and unless he or she was approved for such appointment by the competent authority i.e. the Chief Postmaster General, N.E. Circle, Shillong, the Head of the Postal Circle. Ms Madhumita Purkayastha was offered employment as GDS BPM in Dharmanagar Division and sought for her willingness or otherwise, vide Supdt. of POs, Dharmanagar letter No. WLF/A. Purkayastha/2000 dtd 20.12.2005 in pursuance of the Chief Postmaster General, N.E. Circle, Shillong letter No. Staff/175-1/2001 dtd.05.12.2005.

3. The deponent begs to submit that he has retired from service on superannuation on 31.10.06 and therefore, has no role in the matter of appointment of Ms Madhumita Purkayastha in any cadre in relaxation of normal rules under compassionate ground.

In the premises of afore said it is most respectfully stated that your lordships would graciously be pleased to close the contempt petition as because the deponent was not the competent authority to take a decision on the matter and there was no contempt to the order of the Hon'ble CAT on the part of the humble deponent. And for this act of kindness the humble deponent as in duty bound shall ever pray.

AFFIDAVIT

Affidavit signed and verified on this 10th day of Nov'2006, that the contents of the affidavits are true and correct to the best of my knowledge and based on the official records. Nothing is false and the Deponent has not suppressed any material fact before the Hon'ble Tribunal.

Niranjan Das
Deponent

Notice

29

Date - 13/11/06.

From, Usha Das
Advocate

To, Ms. P. Chakraborty

Advocate

Sub: Cl no. 23/06 in OA No. 85/05

Madam/Sir,

Please find herewith a copy of Affidavit filed by the Respondent No. 1 being filed today. Kindly acknowledge the receipt thereof.

Thanking You.

Sincerely Yours,

Received copy

Ghumani Deka

Usha Das

Advocate

Advocate

I undertake to serve a copy of affidavit on the Advocate for the petitioner.

Usha Das

13.3.06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Guwahati Bench

CP NO. 23 / 2006

IN O.A. NO. 85 / 2005

File No. 74
13/11/06
The Respondent No. 3
Thomosha Das
Advocate
13/11/06

Ms . Madhumita Purkayastha

----- Petitioner

-VERSUS-

Smt. P. Gopinath & others

----- RESPONDENT/ ALLEGED
CONTEMNOR

IN THE MATTER OF

An affidavit filed by the respondent No. 3

I, P. Gopinath, the Chief Postmaster General, N.E. Circle, Shillong, who has been erred as Respondent No.3, in the present Contempt Petition, do hereby solemnly affirm and declare as under .

1. The Deponent begs to submit that after receiving the copy of the judgment and order passed by the Hon'ble Tribunal in O.A. No. 85/2005 along with the representation of the petitioner dtd.05.11.2005, on 11.11.2005, the respondent immediately took initiative to implement the Judgment and order. Immediately the case was sent to the North East Postal Circle Relaxation Committee for consideration and accordingly the Committee considered the case of the applicant in its next meeting held on 13.3.06, but could not approve it since there was no vacancy within the purview of prescribed 5% of the total vacancies earmarked for compassionate appointment.

A copy of the Minutes of the meeting is annexed herewith and marked as Annexure- 1.

3. That the deponent begs to submit that had her case considered by the CRC in the year 2000, when her father expired, 'as it stood during the relevant period' she would have been in the waiting list of the approved candidates and she would be absorbed in GDS posts as per revised subsequent order of the Directorate. On this analogy, Ms. Madhumita Purkayatha was offered the post of GDS BPM, Jalebasa under Panisagar Sub Post Office in North Tripura District, in the unit of the Supdt. Of Post Offices, Dharmanagar Division vide Supdt. Of Pos, Dharmanagar Postal Division memo. No. WLF/A.Purkayastha/2000 dated 02.03.2006 as per Director, Govt. of India, Ministry of Communications, Department of Posts letter dated 25th July, 2001.

A copy of the letter dated 25th July, 2001 is annexed herewith and marked as Annexure- 2.

4. That the deponent begs to submit that summarizing all the above facts and factual position were informed to the applicant vide letter No. Vig/LC-7/04 (CAT) dated 10.10.06. It is further submitted that the letter-dated 10.10.06 was issued before receiving the copy of the Contempt Petition along with the order passed by the Hon'ble Tribunal.

A copy of the order-dated 10.10.2006 is annexed herewith and marked as Annexure- 3.

5. That the deponent begs to submit that the direction of the Hon'ble Tribunal has been fully complied with. Since case of Ms Madhumita Purkayastha could no be consider for compassionate appointment of 5% vacancy for want of vacancy in the Circle she was offered with the post of GDS to support immediate financial hardships. It is pertinent to mention that GDS has got channel for appointment to the Group- D/Group - C post.

6. That the deponent begs to submit that the judgment and order passed by the Hon'ble Tribunal was fully compiled with and there is no willful and deliberate violation of the Hon'ble Tribunal's judgment hence the Hon'ble Tribunal may be pleased to pass appropriate order closing the Contempt Petition.

In the premises aforesaid it is most respectfully that Your lordships would graciously be pleased to close the contempt petition as because the order of the Hon'ble has already complied with and/or may be pleased to pass appropriate order(s) as Your Lordships deem fit and proper.

And for this act of kindness the humble deponent as in duty bound shall ever pray.

AFFIDAVIT

Affidavit signed and verified on this 10th day of Nov., 2006, that the contents of the affidavits are true and correct to the best of my knowledge and based on official records. Nothing is false and the Deponent has not suppressed any material fact before the Hon'ble Tribunal.



DEPONENT

पी. गोपिनाथ
P. Gopinath
मुख्य पोस्टमास्टर जनरल
Chief Postmaster General
उत्तर पूर्व परिमंडल
N. E. Circle
शिलांग / Shillong.

4-
Annexure - 1
56
12/3/06

DEPARTMENT OF POSTS
NORTH EAST CIRCLE, SHILLONG.

MINUTES OF THE NORTH EAST POSTAL CIRCLE RELAXATION COMMITTEE
MEETING AT 11.00 HRS ON 13-3-2006 (MONDAY), HELD AT CIRCLE OFFICE,
SHILLONG.

1. The last Circle Relaxation Committee meeting was held on 22-11-2005.
2. The following attended the meeting as members:-
 - a) Shri S.K.Das, Chief Postmaster General, North East Circle, Shillong
 - b) Shri Lalhluia, Postmaster General, North East Region, Shillong
 - c) Shri Abhinav Walia, Director of Postal Services (HQ), C.O. Shillong.
3. The following 12 (twelve) cases were put up before the Committee- (5 (five) cases of dependents of ex-GDS employees and 7 (seven) cases of dependents of ex-Departmental employees) as detailed below-

Dependents of ex-GDS Employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl. Head
1	2	3	4	5	6
1.	Uttam Datta (Son)	17-5-82	Madhyamik	GDS	GDSBPM, Purbamanu B.O., i/a/w Santirbazar S.O. Agartala Dn.
2.	Bimal Das (Son)	1-5-68	C-VIII	GDS	GDS, Packer, Radhanagar S.O. Agartala Dn.
3.	Madhumita Bhowmik (Daughter)	29-9-84	10+2	GDS	GDSBPM, Purba Pratapgarh B.O. Agartala Dn.
4.	Minati Rani Dey (Deb) (Wife)	15-12-63	CL-IV	GDS	GDSMD, Budhjanagar B.O. Agartala Dn.
5.	Anita Ale (Wife)	16-11-75	CL-VIII	GDS	GDSMD, Bordumsa S.O. Arunachal Pradesh Dn.

Dependents of ex-departmental employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl. Head
1	2	3	4	5	6
1.	Shri Tapan Chakraborty	15-1-78	CI-IX	GDS	GDSMC, Lankamura B.O., i/a/w Agartala Aerodrome S.O. Agartala Dn.
2.	Shri Subrata Roy	17-12-79	10+2	GDS	GDS Packer TTC S.O. Agartala Dn.
3.	Shri Raju Roy Bardhan	26-1-76	10+2	GDS	GDSBPM, Uttar Dasgharia B.O., i/a/w Sidhai S.O. Agartala Dn.
4.	Smti Indu Devi	26-4-65	CI-VIII	Gr-D	No vacancy in Gr-D cadre in Manipur Dn (CAT case)

5.	Smti Madhumita Purkayastha	5-4-78	10+2	PA	No vacancy in PA cadre in DNR Dn (CAT Case)
6.	Smti Lazha Donna Lyngdoh	16-1-78	HSLC	GDS	GDS in Meghalaya Dn
7.	Smti Domjahan R.Marak	1-3-58	10+2	PA	No vacancy in PA cadre in Manipur Dn

4. The Committee after examining the cases has recommended the following cases-

Dependents of ex-GDS Employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Recommendation of the C.R.C.	Remarks
1	2	3	4	5	6	7
1.	Uttam Datta (Son)	17-5-82	Madhyamik	GDS	Recommended as GDSBPM,Purbamanu B.O.,i/a/w Santibazar S.O.Agartala Dn.	
2.	Bimal Das (Son)	1-5-68	C-VIII	GDS	Recommended as GDS,Packer,Radhanagar S.O. Agartala Dn.	
3.	Madhumita Bhowmik (Daughter)	29-9-84	10+2	GDS	Recommended as GDSBPM,Purba Pratapgarh B.O. Agartala Dn.	
4.	Minati Rani Dey (Deb) (Wife)	15-12- 63	CL-IV	GDS	Recommended as GDSMD, Budhjanagar B.O. Agartala Dn.	Educational qualification relaxed
5.	Anita Ale (Wife)	16-11- 75	CL-VIII	GDS	Recommended as GDSMD,Bordumsa S.O.Arunachal Pradesh Dn.	

Dependents of ex-departmental employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Recommendation of the C.R.C.
1	2	3	4	5	6
1.	Shri Tapan Chakraborty	15-1-78	CI-IX	GDS	Recommended as GDSMC,Lankamura B.O.,Agartala Dn
2.	Shri Subrata Roy	17-12- 79	10+2	GDS	Recommended as GDS Packer TTC S.O.,Agartala Dn.
3.	Shri Raju Roy Bardhan	26-1-75	10+2	GDS	Recommended as GDSBPM,Uttar Dasgharia B.O.Agartala Dn
4.	Smti Lazha Donna Lyngdoh	16-1-78	HSLC	GDS	Recommended as GDS in Meghalaya Dn

5. The Committee did not recommend the following cases for appointments as indicated against each-

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl. Head	Approved/ not approved	Remarks
1	2	3	4	5	6	7	8
1.	Smti Indu Devi	26-4-65	Cl-VIII	Gr-D	No vacancy in Gr-D cadre in Manipur Dn	Not approved	As there is no vacancy in Gr-D cadre, this case will be put up in the next CRC.
2.	Smti Madhumita Purkayastha	5-4-78	10+2	PA	No vacancy in PA cadre in DNR Dn	Not approved	As there is no vacancy in PA cadre, this case This case will be put up in the next CRC.
3.	Smti Domjahat R. Marak	1-3-58	10+2	PA	No vacancy in PA cadre in Manipur Dn & Meghalaya Dn.	Not approved	As there is no vacancy in Postal Asstt. cadre, this case will be put up in the next CRC.

(S.K.Das)
Chairman &
Chief Postmaster General,
N. E. Circle, Shillong

13/3/06
(Lalhluna)
Member &
Postmaster General,
N. E. Region, Shillong

13/3/06
(Abhinav Walia)
Member &
D.P.S. (HQ)
N. E. Circle, Shillong

**DEPARTMENT OF POSTS
NORTH EAST CIRCLE, SHILLONG.**

**MINUTES OF THE NORTH EAST POSTAL CIRCLE RELAXATION COMMITTEE
MEETING AT 16.00 HRS ON 30-6-2006 (FRIDAY), HELD AT CIRCLE OFFICE,
SHILLONG.**

1. The last Circle Relaxation Committee meeting was held on 13-3-2006.
2. The following attended the meeting as members:-
 - a) Shri S.K.Das, Chief Postmaster General, North East Circle, Shillong
 - b) Shri Lalhluna, Postmaster General, North East Region, Shillong
 - c) Dr. Abhinav Walia, Director of Postal Services (HQ), C.O. Shillong.
3. The following 10 (ten) cases were put up before the Committee- 6 (six) cases of dependents of ex-GDS employees and 4 (four) cases of dependents of ex-Departmental employees) as detailed below-

Dependents of ex-GDS Employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl.Head
1	2	3	4	5	6
1.	Nengkhongah Haolai (wife)	1-3-76	Matric (failed)	GDS	GDS, Khiabung BO, Nagaland Dn.
2.	Pradip Paul (Son)	3-1-77	CL-IX	GDS	GDS MC, Dhuptali B.O. Agartala Dn.
3.	Mina Debnath (wife)	5-6-68	Madhyamik (failed)	GDS	GDSMD, Garjee S.O. Agartala Dn.
4.	Laxman Lodh (son)	10-2-85	CL-IX	GDS	GDS MD MC, Harbatali B.O. Agartala Dn.
5.	Dhruba Narayan Debnath (son)	9-1-82	CL-VIII	GDS	GDSMC, Siddhinagar B.O. Agartala Dn.
6.	Kartik Deb (son)	5-1-78	CL-VIII	GDS	GDS MD MC, Jowali Khamar B.O., Agartala Dn.

Dependents of ex-departmental employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl.Head
1	2	3	4	5	6
1.	Smti Indu Devi	26-4-65	Cl-VIII	Gr-D	No vacancy in Gr-D cadre in Manipur Dn (CAT case)
2.	Smti Madhumita	5-4-78	10+2	PA	No vacancy in PA cadre in DNR Dn (CAT Case)

8-
16-1

	Pürkayastha					
3.	Smti Domjahat R.Marak	1-3-58	10+2	PA	No vacancy in PA cadre in Manipur Dn	
4.	Tenzin Jungey (son)	10-7-82	CL-VII	GDS	As GDS MC MD in any one of the following vacant posts- Tindolong BO /Kanubari BO Wakro BO /Udaipur BO	

4. The Committee after examining the cases has recommended the following cases-

Dependents of ex-GDS Employees

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Recommendation of the C.R.C.	Remarks
1	2	3	4	5	6	7
1.	Nengkhongah Haolai (wife)	1-3-76	Matric (failed)	GDS	Recommended as GDS,Khiabung BO,Nagaland Dn.	Approved
2.	Pradip Paul (Son)	3-1-77	CL-IX	GDS	Recommended as GDS MC,Dhuptali BO, Agartala Dn.	Approved
3.	Mina Debnath (wife)	5-6-68	Madhyamik (failed)	GDS	Recommended as GDSMD, Garjee S.O.,Agartala Dn.	Approved
4.	Laxman Lodh (son)	10-2-85	CL-IX	GDS	Recommended as GDS MD MC, Harbatali B.O.,Agartala Dn.	Approved
5.	Dhruba Narayan Debnath (son)	9-1-82	CL-VIII	GDS	Recommended as GDS MC,Siddhinagar B.O.,Agartala Dn.	Approved
6.	Kartik Deb (son)	5-1-78	CL-VIII	GDS	Recommended as GDS MD MC, Jowali Khamar B.O.,Agartala Dn.	Approved

5. The Committee did not recommend the following cases for appointments as indicated against each-

Sl. No.	Name of Applicant	Date of Birth	Educational Qualification	Cadre for which applied	Cadre/ Unit/ Division recommended by Divl.Head	Approved/ not approved	Remarks
1	2	3	4	5	6	7	8
1.	Smti Indu Devi	26-4-65	Cl-VIII	Gr-D	No vacancy in Gr-D cadre in Manipur Dn	Not approved	There is no vacancy in Gr-D cadre, as there is no vacancy for 2005 yet to be cleared by Screening Committee. Therefore the case shall be put up to next CRC.

2.	Smti Madhumita Purkayastha	5-4-78	10+2	PA	No vacancy in PA cadre in DNR Dn	Not approved	There is no vacancy in PA cadre, as the vacancy for 2005 is yet to be cleared by the Screening Committee. This case will be put up in the next CRC.
3.	Smti Domjahat R.Marak	1-3-58	10+2	PA	No vacancy in PA cadre in Manipur Dn & Meghalaya Dn.	Not approved	As there is no vacancy in Postal Asstt. cadre, as the vacancy for 2005 is yet to be cleared by the Screening Committee. Therefore, case shall be put up in the next CRC.
4.	Tenzin Jungey (son)	10-7-82	CL-VII	GDS	As GDS MC MD in any one of the following vacant posts- Tindolong BO / Kanubari BO / Wakro BO / Udaipur BO	Not approved	Clarification from Dte. was called, whether exemption of educational qualification can be extended for GDS post.


20/6/06
(S.K.Das)
Chairman &
Chief Postmaster General,
N. E. Circle, Shillong


(Lalhluna)
Member &
Postmaster General,
N. E. Region, Shillong


31/6/06
(Abhinav Walia)
Member &
D.P.S. (HQ)
N. E. Circle, Shillong

10 Annexure-2
Staff. Sec.

No. 37-16/2001-SPB-I
Government of India
Ministry of Communications
Department of Posts

Dak Bhavan, Sansad Marg
New Delhi-110 001

Dated : 25th July, 2001

To

All Pr. CPMsG
All CPMsG

Subject : Compassionate appointment proposal of candidates approved for the same who have been kept in the wait list prior to this office letter No. 24-1/99-SPB-I dated 8.2.2001.

Sir/Madam,

I am directed to attract your attention to this office letter No. 24-1/99-SPB-I dated 8.2.2001 on the above subject in which instructions were issued regarding discontinuation of waiting list of candidates approved for compassionate appointment in consultation with Department of Personnel & Training. It was mentioned in the above letter that as per the clarification given by the Department of Personnel & Training in their O.M. dated 24.11.2000, maintenance of the waiting list of approved candidates for compassionate appointment was to be discontinued immediately if not already discontinued and that the candidates whose names are already in the wait list for appointment on compassionate ground but who could not be appointed due to want of vacancies within 5% limit may be asked to express their willingness for consideration by other Ministries and their names should be circulated to other Ministries subject to their willingness.

2 The Department of Personnel and Training in their O.M. No 14014/18/2000-Estt.(D) dt. 22.6.2001 circulated vide this Office letter No. 24-1/20001-SPB-I dt. 6.7.2001 has directed that in future the Committee for considering request for appointment on compassionate grounds should take into account the position regarding availability of vacancy for such appointment and it should limit its recommendations to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/Department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in any Group 'C' or 'D' post prescribed in this regard. The practice of circulating names of the deserving applicants to other Ministries/Departments has been discontinued.

RDS



3 Since wait listing of candidates for compassionate appointment has been dispensed with chance of absorption of the approved candidates kept in the waiting list against vacancies available within 5% ceiling of direct recruitment quota in this Department or elsewhere is remote. This may cause hardship to the approved candidates who have been waiting for some time. In consideration of these aspects, it has been now decided to consider such wait listed candidates for the vacant posts of Gramin Dak Sewaks if they are willing and eligible for the post. Therefore, you are requested to offer GDS vacancies to the dependents of regular employees (Group 'C' or Group 'D') who are already approved for appointment on compassionate grounds and are still waiting absorption for want of regular departmental vacancies as on 8.2.2001. Such approved candidates will, however, be appointed against GDS posts subject to their fulfilling required conditions of recruitment like educational qualifications, etc.. It will have to be made clear to the approved applicants that with their acceptance of the GDS posts, they would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS, in the matter of their appointment against future departmental vacancies. An undertaking in this regard may be obtained from these candidates before giving any appointment.

4 Action may be taken to ascertain the willingness and choice of stations, if any, from the approved and wait listed candidates for consideration of their appointment against GDS posts and necessary follow up action may be taken as per the above instructions. However, wherever recruitment action to fill up GDS posts is already in progress, that action may continue and these posts may not be offered to waitlisted candidates.

5 Offer of GDS posts to waitlisted candidates will be valid for one year and the scheme will be reviewed after one year. In the meantime, action taken report indicating number of GDS posts offered to wait listed candidates and the particulars of beneficiaries may be reported quarterly to this Directorate beginning with quarter ending 30.9.2001.

Yours faithfully,


(A.K. Dash)
Director (Staff)

भारतीय डाक विभाग

Registered A/D

DEPARTMENT OF POSTS: INDIA

कार्यालय मुख्य पोस्टमास्टर जनरल, उत्तर पूर्व परिमंडल, शिलांग 793 001

OFFICE OF THE CHIEF POSTMASTER GENERAL, NORTH EAST CIRCLE, SHILLONG -793 001

No. Vig/LC-7/04 (CAT)

Dtd. at Shillong-1, the 10th October, 2006.

To

Miss Madhumita Purakayastha,
 C/O Manju Purakayastha.
 P.O. Chandra Pur-799 251.
 Dharmanagar, North Tripura.

Subject: Appointment under relaxation of normal recruitment rules in implementation of
 order of the Hon'ble CAT, Guwahati dtd.05.9.05 in O.A. No. 85/2005.

Reference: Your applications dtd. 30.01.06 & 15.02.06.

Miss,

On the captioned subject, I have been directed to inform you that:

1. As per order of Hon'ble CAT, Guwahati dtd.05.9.05 in O.A. No.85/2005, filed by yourself and as per clarification issued by the Department of Posts, Ministry of Communications, Govt. of India vide letter No. 37-16/2001-SPB-1 dtd. 25.7.01 on the Scheme for Compassionate Appointment, you were offered the post of GDS Branch Postmaster, Jalabasa Branch Post Office under Panisagar Sub Post office, in North Tripura District, vide Supdt. of POs, Dharmanagar Postal Division Memo. No. WLF/A. Purakayastha/2000 dtd.02.3.06. Since no vacancy in Group 'C' or Group 'D' cadre is available in Dharmanagar Postal Division or in the Circle, within the purview of 5% of total vacancies as earmarked for compassionate appointment as per provision in the scheme, the post of GDS Branch Postmaster was offered to you with a view to provide immediate financial support to your family and also to provide a scope of promotion to yourself to Departmental post, in near future.
2. However you declined to accept the offer of GDS Branch Postmaster, Jalabasa, vide your letter dtd. 09.3.06 & 18.5.06.
3. Further, in compliance to the order of the Hon'ble CAT, Guwahati, dtd.05.9.06 in O.A. No.85/2005, the case of your compassionate appointment was considered by the North East Postal Circle Relaxation Committee in its meeting held on 13.3.06 & again on 30.6.06, but the case could not be approved as there was no vacancy in Dharmanagar Postal Division or in the Circle within the purview of 5% of total vacancies earmarked for compassionate appointment.
4. This disposes your applications under reference.

Yours sincerely,

Asstt. Postmaster General (Vig)
 for CPMG, Shillong.

Copy to:

- 1) The Supdt. of POs, Dharmanagar-799 250, for information.
- 2) The Asstt. Postmaster General (Staff) O/O the CPMG, Shillong-01, for information.

Asstt. Postmaster General (Vig)

SPONR

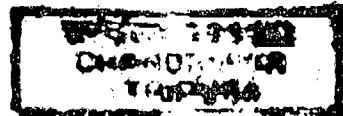
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17.10.06. Bent - 11

R. L. 2046

AD Shillong. Meghalaya. Pernayat

12.10.06. Meghalaya Pernayat

1 (one)

By E.D.D.A

17.10.06.

AC
SARATHI
MADRAS
Post 99281



Sandeep Chakravorty

A/S (vii) C. o. no. 9/1 - 7 (KAT) dt. 17.10.06

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