

3

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

19.09.2011

OA No. 418/2011

Mr. C.B. Sharma, counsel for applicant.

Heard learned counsel for the applicant.

The O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 418/2011

DATE OF ORDER: 19.09.2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Smt. Mamta Devi W/o late Shri Jagdish Prasad, aged about 31 years, R/o Village and Post Govindpura (Palsana), District Sikar. Aspirant for appointment on compassionate grounds on the post of Gramin Dak Sevak, in Postal Department.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through its Secretary to the Govt. of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi - 110001.
2. Chief Post Master General, Rajasthan Circle Jaipur - 302007.
3. Post Master General, Rajasthan Western Region, Jodhpur - 342001.
4. Superintendent of Post Offices, Jhunjhunu Postal Division, Jhunjhunu - 333001

...Respondents

ORDER (ORAL)

The only controversy involved in the present Original Application is that the case of the applicant has not been considered objectively for appointment on compassionate ground on account of lack of minimum educational qualification for GDS. It is also stated in the Annexure A/1 letter dated 22.07.2011 that there is no provision to relax the educational qualification required for GDS, hence, her case has not been recommended for appointment on compassionate ground.

2. Learned counsel appearing for the applicant has annexed copy of the Rules as Annexure A/9 along with the O.A. at page 21-23, Section-X deals with Compassionate Appointments to



Dependants. In the context of letter dated 10.02.1985 and the letter dated 12.03.1993 references have been received from certain quarters seeking clarifications on the following points, and the relevant point no.1 is reproduced as under:

"(1). For dealing with compassionate appointment cases in respect of the dependants/near relatives of deceased ED Agents, this Department is mutatis mutandis following the guidelines contained in O.M. No. 14814/6/86, dated 30-6-1987, of the Ministry of Personnel, Public Grievances and Pension which, inter alia, provide that where a widow of a deceased Government employee is appointed on compassionate grounds to Group 'D' posts, she will be exempted from the requirements of educational qualifications, provided the duties of the post can be performed without having the educational qualifications of middle standard prescribed in the Recruitment Rules. In the context of this provision, clarification has been sought whether similar relaxation can also be given to dependants/near relatives of the deceased ED Agents and whether the same will be applicable to all categories of ED Agents including EDBPM/EDSPM, etc."

The said point has been clarified as under: -

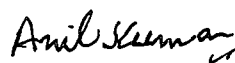
"Clarification: (1) and (2). - The reply to the first part of the query is in the affirmative. However, in conformity with the spirit of the orders of the Department of Personnel under reference, the relaxation would be available only to the widow/widower of the deceased ED Agent and that too only for appointment against such category of ED posts for which the prescribed minimum educational qualification is that of Group 'D' i.e., middle class pass. The claimant widows/widowers should, however, at least be a literate in cases where the minimum educational qualification is relaxed in his/her favour. In the absence of a vacancy at village post, compassionate appointment can be given in any other Post Office in the vicinity / neighbourhood of his/her place of residence. In this connection, instructions contained in Postal Directorate Letter No. 14-25/91-ED & Trg., dated 5-8-1993, may also be kept in view. However, the condition for Matriculation qualification for EDBPMs/EDSPMs should be insisted upon in cases where the death of the incumbent has taken place on or after 1-4-1993."



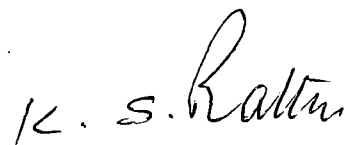
3. Taking the advantage of the said clarification, the learned counsel appearing for the applicant submits that the case of the applicant is required to be considered for appointment on compassionate grounds, but the same has not been considered, therefore, the present Original Application has been preferred.

4. It is not disputed that the applicant has not represented to the respondents to this effect, therefore, we deem it proper to direct the applicant to represent the respondents referring the said clarification, and if such representation is received from the applicant, the respondent no. 2, Chief Post Master General, Rajasthan Circle, Jaipur, is directed to consider the same in the light of the said clarification, and if the applicant is otherwise found suitable in accordance with the provisions of law, the compassionate appointment may be given to the applicant. The respondents are further directed to consider the representation of the applicant expeditiously but in any case not later than three months from the date of receipt of the representation along with a copy of this order. If any adverse order is passed against the applicant, the applicant is at liberty to file substantive Original Application.

5. With these observations and directions, the Original Application stands disposed of.



(ANIL KUMAR)
MEMBER (A)



(JUSTICE K.S. RATHORE)
MEMBER (J)