

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 23.04.2015

ORIGINAL APPLICATION NO. 060/00512/2014
Chandigarh, this the 27th day of April, 2015

...
CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)
...

Gurbachan Kumar S/o Som Nath, R/o VPO Nai Wala, Tehsil and District Barnala.

...APPLICANT

BY ADVOCATE: MS. MANINDER KAUR.

VERSUS

1. Union of India through its Secretary, Ministry of Communications and IT, Department of Posts, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Department of Posts, Sangrur Division, Sangrur-148001.

...RESPONDENTS

BY ADVOCATE: SHRI K.P.S. DHILLON.

ORDER

...
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

This is the second round of litigation by the applicant seeking compassionate appointment after the sad demise of his

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father, who, while working as an ED BPM, died in harness on 28.03.2010. The first round consisted of the O.A. No.1284-PB-2012, which was disposed of by this Tribunal's Order dated 26.02.2013 (Annexure A-6), the last two paragraphs whereof read as under:-

"5. In this factual scenario, the inescapable conclusion is that the O.A. is pre-mature.

6. In the light of the facts noticed in the preceding para, we would dispose of the O.A. with grant of a direction to the competent authority to consider the case of the applicant for the relevant appointment at the next deliberation which may ideally be held within 6 months from today. Needless to indicate that if the outcome of the deliberation is not favourable to the applicant, he will have liberty to file an O.A. to obtain the invalidation thereof."

2. The respondents' order dated 30.05.2013 / 03.06.2013 (Annexure A-7) is the outcome, which has been challenged through the instant O.A. The said order reads, inter alia, as under:-

"Compassionate appointment case of Sh. Gurbachan Kumar S/o late Sh. Som Nath, Ex-GDS BPM, S.S.Pura in a/c with Tallewal SO, Sangrur Division was considered by Circle Relaxation Committee in its meeting held on 10.5.2013. The committee examined all the aspects of the case i.e. financial position, assets, and liability of family as prescribed in the revised procedure for engagement of GDS on compassionate grounds issued by the Directorate vide letter no.17-17/2010-GDS dated 14.12.2010 and further amended vide D.G.Posts, New letters No.17-17/2010-GDS dated 01.8.2011, 09.03.2012 and 13.04.2012 and other administrative instructions issued from time to time. The candidate had earned 36 points from various attributes. Keeping in view the

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relative points earned by the applicant, the committee has found the case not 'hard & deserving' in terms of the Directorate's letters mentioned above. Therefore, the case of compassionate appointment has been rejected by 'Circle Relaxation Committee'."

3. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

4. The only contention of the learned counsel for the applicant is that his case for compassionate appointment should have been considered in the light of the rules / instructions on the subject, which existed at the time of the death of the applicant's father. This contention is supported by the judgment of the hon'ble Punjab and Haryana High Court, dated 16.08.2012, in CWP No.17718/2011 (Pawan Kumar Vs. State of Haryana and Others) [Annexure A-8].

5. Annexure A-7 shows that the claim of the applicant for compassionate appointment has been considered in the light of the "Scheme" dated 14.12.2010 (Annexure A-9), as amended subsequently, whereas the applicant's father expired on 28.03.2010. Therefore, we see substance in the aforesaid submission of the learned counsel for the applicant.



6. In the light of the above, we set aside the order dated 30.05.2013 / 03.06.2013 (Annexure A-7) and direct the respondents to afresh consider within two months from the date of receipt of a copy of this Order, the applicant's claim for compassionate appointment as per the instructions which existed on 28.03.2010.

7. The O.A. is allowed accordingly. No order as to costs.

B. A. AgSawal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

ll —
(RAJWANT SANDHU)
MEMBER(A)

Dated: 27.4.2015

'sv'