

OA.No.170/00450/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00450/2017

DATED THIS THE 13TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

Chetan,

S/o Rajendra Havaladar

Age: 25 years

R/o H.No. 3305,

Bheemanagar, Chikodi

Dist: Belagavi 591 201

.....Applicant

(By Advocate Shri D.B. Akshay)

Vs.

1. The Union of India,

Represented by its Secretary,
Department of Telecommunications,
Ministry of Communications and IT
Sanchar Bhawan 20, Ashoka Road,
New Delhi – 110 001.

2. The Chief Post Master
Department of Master General
Karnataka Circle,
GPO Building,
Bengaluru 560 001

3. The Accounts Officer
Office of the Director of Accounts (Postal)
Karnataka Circle,
GPO Building,
Bengaluru 560 001

4. The Post Master General
North Karnataka Region
Dharwad 580 001

5. The Assistant Director (S&R)
O/o the Post Master General
North Karnataka Region
Dharwad 580 001

6. Superintendent of Posts
Chikodi Division
Chikodi 591 201
Dist: Belagavi

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

The applicant had allegedly been considered for 3 times and found wanting. He had secured only 48 points. Now he has raised a case that in the numerical gradation system there is no element for considering the debts and

other recoverables from the concerned deceased person. He would say that he had incurred a loan for Rs. 6 lakhs and odd on the account of the marriage of the daughter and therefore some point should be allotted to this as well. Therefore we queried the learned counsel for the applicant and he says that at least a point of 10 points should have been allotted to this in addition to the 48 points already granted. Even then also it will come to 58 points. The last person who was taken has secured 59 points. Therefore since 58 cannot supplant 59 there cannot be an element of consideration in applicant's favour. But then on an extended consideration we would say that let him be considered for one more opportunity taking this aspect also into consideration. But then this is a new aspect which had not come to our notice till now therefore an exception will be made in this case and some element of consideration must be there for the debts of the deceased person as well as otherwise it may not provide a correct picture of indigence to the authorities. Therefore there will be a mandate to the respondents department also to re-modulate their process inculcating this aspect also into it as an element of consideration. The concerned welfare officer will be directed to ensure that this will be considered dispassionately and sensitively.

2. The OA is disposed off as above. No order as to costs.

(C V SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00450/2017

Annexure A1 Copy of the death certificate of late Rajendra S Havaladar

Annexure A 2 Copy of the certificate of Surviving Members of the family of the deceased dated 05.11.2012 issued by the Tahsildar, Chikkodi

Annexure A 3 Copy of the letter dated 25.10.2012 issued by Respondent No. 6

Annexure A4 Copy of the application filed by the applicant dated 05.12.2012

Annexure A5 Copy of the consent letter dated 05.12.2012 of Smt Kasturi R. Havaladar

Annexure A6 Copy of the consent letter dated 05.12.2012 of Sachin R. Havaladar

Annexure A7 Copy of the report dated 08.08.2013

Annexure A 8 Copy of the letter dated 27.12.2013

Annexure A 9 Copy of the letter dated 22.03.2014

Annexure A 10 Copy of the letter dated 26.05.2014

Annexure A 11 Copy of the letter bearing No. NKR/STA-1/CA-10/2013

Annexure A 12 Copy of the order passed by the Hon'ble High Court of Karnataka dated 23.06.2016

Annexures with reply statement

Annexure R1 Copy of the Circular dated 20.01.2010

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