

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00376/2017

Bilaspur, this Monday, the 24th day of September, 2018

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Vivek Kumar Gupta, S/o Late Shri Shiv Kumar Gupta, aged about 35 years, R/o Village & Post – Koteya, Via – Pratappur, District – Surajpur, (C.G.)
-Applicant

(By Advocate – Shri Vivek Kumar Agrawal)

V e r s u s

1. Union of India through the Secretary, Ministry of Communication & IT, Department of Posts (GDS Section), Dak Bhawan, Sansad Marg, New Delhi 110116.

2. Chief Postmaster General, Department of India Post, Chhattisgarh Circle, Raipur, GPO Building, Raipur (CG).

3. Superintendent of Posts, Ambikapur Sub-Division, Post Office, Ambikapur (C.G.)
-Respondents

(By Advocate – Shri Vivek Verma)

ORDER (REASONED)

By Navin Tandon, AM.

The applicant is aggrieved by order dated 25.11.2014 (Annexure A-1), whereby his case for grant of compassionate appointment has been rejected.

2. Father of the applicant died on 19.04.2012, while working as Gramin Dak Sevak with the respondent department.

After the death of his father, the applicant applied for grant of compassionate appointment to him. However, the same has been rejected on 25.11.2014 on the ground that compassionate engagement is not permissible to dependent of those GDS, who were involved into the financial irregularities and whose services were not satisfactory while in service.

2.1 The case of the applicant is that although a departmental inquiry was to be contemplated against the applicant regarding misappropriation, but he had died before anything could be established, and therefore, he should be deemed to be innocent as no charges were proved against him.

3. The respondents, in their reply, have submitted that the case of the applicant was placed before the CRC. However, the CRC observed that the applicant's father was involved in fraud cases misappropriating the Government money. As per the Departmental Policy issued vide Directorate letter dated 15.02.2001 (Annexure R-1), compassionate engagement is not permissible to the dependent of GDS who was involved into the financial irregularities and whose service was not satisfactory while in service. Hence, the CRC did not recommend the case of the applicant.

4. We have heard the learned counsel for the parties.
5. Learned counsel for the applicant submitted that this Tribunal in Original Application No.203/00091/2015, vide order dated 23.01.2017 in the case of **Smt. Indira Bai Patel vs. Union of India & Anr.**), has dealt with a similar issue. Therefore, this Original Application may also be disposed of in the similar terms.
6. We have gone through the order and we find that facts of the present case are identical to that of **Smt. Indira Bai Patel** (supra), wherein it was held in Para 5, as under:

“5. It is not in dispute that the applicant’s father died before allegations against him could be established in the departmental enquiry. As the applicant’s father had not been found guilty after due enquiry, it could not be said conclusively that he was involved in the case of misappropriation. The mere fact that the charge memo alleged that the applicant’s father had admitted to committing misappropriation could not be taken to be adequate evidence that he was involved in such a case till it was actually proved against him. In this view of the matter, there was no justification to deprive the family of the deceased, the benefits due to them under the relevant rules/scheme. Impugned order dated 25.11.2014 (Annexure A-12) is accordingly quashed and set aside. Respondents are directed to consider the case of compassionate appointment of the applicant in terms of the relevant guidelines and an appraisal of the financial condition of the family of the applicant and pass a

reasoned and speaking order, within a period of three months, from the date of receipt of a copy of this order.”

7. Accordingly, the O.A is allowed. The impugned order dated 25.11.2014 (Annexure A-1) is quashed and set aside. The respondents are directed to reconsider the case of the applicant for grant of compassionate appointment in terms of the relevant guidelines and an appraisal of the financial condition of the family of the applicant and pass a reasoned and speaking order, within a period of three months from the date of receipt of a certified copy of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-