

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(CIRCUIT BENCH AT SHIMLA)

...
**Miscellaneous Application No. 063/1837/2017 &
ORIGINAL APPLICATION NO. 063/1455/2017**

Chandigarh, this the 16th day of March, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Ankaj Kumar aged 26 years, s/o late Sh. Dhrub Dev Singh, P.R.O.
Village Doli, Post Office Khera, Tehsil Palampur, Distt. Kangra, H.P.
176086 (Group-C).

....APPLICANT

(Argued by: Shri Dushyant Dadwal, Advocate)

VERSUS

1. Union of India through Secretary, Ministry of Communications & Information Technology, Department of Posts, Govt. of India, New Delhi.
2. The Chief Post Master General, Postal & Telecommunication Department, Shimla H.P.
3. Senior Superintendent of Post Offices, Dharamshala Division, Dharamshala, Distt. Kangra, H.P.

....RESPONDENTS

(By Advocate: Shri Anshul Bansal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

Mr. Anshul Bansal, learned counsel appearing on behalf of respondents seeks and is granted permission to file reply to M.A. 63/1837/2017 for condonation of delay. The same is taken on record, subject to all just exceptions.

2. The present M.A. has been filed for condoning delay in filing the accompanying Original Application (O.A.), where the applicant is seeking to consider his case for compassionate appointment, on demise of his father.

3. We have heard the learned counsel for the parties.

4. At this stage, learned counsel representing the applicant submitted that though the respondents have rejected the claim of applicant for appointment under compassionate scheme on the plea that he has not secured higher marks, then the last candidate, to whom offer of appointment has been issued under the Scheme. He further submitted that the applicant has not received any communication from respondents in this regard, rather, his case was recommended by the army authorities where the father of the applicant was working on deputation when he died. The respondents have not informed that his case has been turned down on merit. He also submitted that though his case was rejected yet the respondents have to consider his case in the subsequent meetings also. Since the respondents have not taken view in the matter on merit, after his first rejection, therefore, interim direction be issued to respondents to consider his case in the next meeting and if applicant is found more deserving than other candidates, then he be given appointment otherwise reasoned order be communicated to him.

5. Counsel representing the respondents submitted that once his case has been rejected by the respondents being not eligible for

appointment on compassionate ground which has been communicated to him, therefore, there is no occasion to consider his case subsequently. However, he failed to produce any document to prove that rejection order has ever been communicated to the applicant.

6. The father of the applicant had died on 19.10.2012, immediately thereafter the mother of applicant stake claim for her son's appointment i.e. applicant for appointment on compassionate grounds. Though, the respondents have considered and rejected his claim, but no communication has been communicated to the applicant as well as Army authorities where the father of the applicant was working. Since there is no communication to applicant in that regard, therefore, the applicant is before this Court for issuance of direction to respondents to consider his claim for appointment on compassionate ground as the order placed on record rejecting his case had never been communicated to applicant.

7. Considering the submission made by the learned counsel for applicant that rejection order has not been communicated to applicant, coupled with the fact that the address on the communication, rejecting his claim is also incomplete, therefore, it cannot be said that the order has ever been communicated to the applicant. Accordingly, we dispose of this O.A. with a direction to respondents to consider his claim for appointment on compassionate ground in the next meeting of the committee

alongwith other candidates. If the applicant is found eligible under the Rule formation, then he be offered appointment otherwise reasoned order be passed which shall be communicated to the applicant. M.A. seeking condonation of delay stands allowed and O.A. is disposed of with the above direction.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 15.03.2018

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