

Reserved**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**
CIRCUIT SITTING : BILASPUR**Original Application No.203/00921/2015**

Jabalpur, this Monday, the 23rd day of July, 2018

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

Pravin Kumar Netam, aged about 26 years, S/o late Shri Shyamnath Netam, R/o Village Sirpur, Post Jukanikalar, Tahsil Farasgaon, Civil and Revenue District Kondagaon (C.G.) 494229.

-Applicant

(By Advocate – Shri Ajay Kumar Chandra)

V e r s u s

1. Union of India through Director General & Ex-Officio Secretary (Posts), Ministry of Communication & I.T. Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi 110001.
2. Chief Post Master General, office of the Chief Post Master General, Indian Postal Department, Chhattisgarh Region, Raipur (C.G.) PIN 492001.
3. Assistant Director (Staff), Chhattisgarh Region, Raipur (C.G.) PIN 492001.
4. Superintendent of Post Office, Bastar Division, Jagdalpur (C.G.) PIN 494001.
5. Shri Girishchandra Sahu, Sub-Divisional Inspector (Postal), Kondagaon Sub Division, Kondagaon 494226 **- Respondents**

(By Advocate – Shri Vivek Verma)

(Date of reserving order : 11.07.2018)

O R D E R

By Ramesh Singh Thakur, JM.

The applicant has filed this Original Application, aggrieved by the order dated 25.11.2014 (Annexure A-8), whereby his case for grant of compassionate appointment to him has been rejected.

2. He has sought for the following reliefs:

“8.1) This Hon’ble Tribunal may be pleased to direct the respondent authorities to place all records in connection with this case for kind perusal of the Hon’ble Tribunal.

8.2) That the Hon’ble Tribunal may kindly further be pleased to issue an order or direction directing the Respondents to rescind the letter No. R-6, CRC/Gra. Da. Se/Anukampa/2014 Raipur dated 25/11/2014 issued by Respondent No.3 and appoint the Petitioner on any suitable post on compassionate ground.

8.3) That the Hon’ble Tribunal may kindly further be pleased to issue an order or direction directing the Respondents to appoint the Petitioner in any suitable forthwith by creating vacancies on compassionate ground.

8.4) That any other relief or direction which the Hon’ble Tribunal may deems fit and proper looking to the facts and circumstances be also awarded to the Applicant alongwith cost of litigation.”

3. Briefly, the facts of the case, as narrated in the Original Application, are that father of the applicant died on 10.06.2008,

while working with the respondent department. After the death of his father, the applicant applied for grant of compassionate appointment to him.

3.1 It has been submitted by the applicant that despite the reminders dated 25.04.2013, 19.08.2013, 26.08.2013, 04.09.2013 and 03.02.2014, the respondent No.5 did not put up the his case before the Circle Relaxation Committee (CRC) and ultimately, vide Annexure A-8 dated 25.11.2014, it has been communicated to the applicant that the death of his father had taken place long back i.e. more than five years as on 1.1.2014. The family has been able to survive since 2008, which shows that the family has some dependable means of subsistence. Therefore, the CRC has not recommended the case of the applicant for grant of compassionate appointment. Hence, this Original Application has been filed.

4. The respondents, in their reply, have submitted that case of the applicant was placed before the CRC meeting held on 17.11.2014 (Annexure R-2) and after considering his case along with all other candidates, the CRC not recommended the applicant as he had not secured the point as per the policy framed by the Postal Department.

5. We have heard the learned counsel for the parties and perused the pleadings and documents available on record.

6. It is the case of the respondents, as brought out in their reply that the case of the applicant was placed before the CRC meeting on 17.11.2014 and the CRC has not recommended his case due to lesser merit points secured by the applicant. However, CRC in its meeting dated 17.11.2014 (Annexure R-2) has stated that the death of applicant's father had taken place long back i.e. more than 5 years as on 1-1-2014 and the concept of compassionate engagement is related to the need for immediate assistance to the family of the GDS in order to relieve it from economic distress. Since the family of the GDS has been able to manage for all these years, the family has some dependable means of subsistence. However, the stand taken by the respondents in their reply cannot be said to be justified, as the case of the applicant was not rejected on the ground of lesser merit points, whereas the CRC had not recommended his case being more than five years old.

7. The respondents, in Annexure R-1 of their reply, have filed the copy of form, which is in regard to collecting necessary information/data for preparing the case of compassionate appointment. In column No.34 of the form, the date of receiving

the application of the applicant for compassionate appointment has been mentioned as 2009, whereas, the date of verification is shown as 25.08.2014. This document itself makes it clear that the applicant has submitted his application in the year 2009, i.e., immediately after death of his father in 2008, and hence, there was no occasion for the respondents to say that the matter is more than five years old as on 01.01.2014, as no action was taken on the application of the applicant from the year 2009.

8. We also find from Annexure A-7, correspondence to respondent No.5 that, in spite of repeated letters sent by respondent No.4 on 25.04.2013, 19.08.2013, 26.08.2013, 04.09.2013 and 03.02.2014, no action was taken on the application of the applicant, which was submitted way back in the year 2009. Therefore, the respondents, while considering the case of the applicant in the year 2014, ought not to have taken the stand that it is a belated case of 2008, as they themselves have prolonged the matter for the years and for which the applicant cannot be made to suffer. Hence, we hold that the impugned order dated 25.11.2014 is unjust, arbitrary and without application of mind.

9. In the result, the Original Application is allowed. The impugned order dated 25.11.2014 (Annexure A-8) is quashed and

set aside. The matter is remitted back to the respondents to reconsider the case of the applicant for grant of compassionate appointment, in their next CRC meeting and if found suitable, provide him suitable job, as per rules. Needless to say that the order so passed shall be communicated to the applicant. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-