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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

...

ORIGINAL APPLICATION NO.290/00492/2015
WITH MISC. APPLICATION NO.290/00276/15

JODHPUR, THIS THE 8TH DAY

OF MAY, 2018
CORAM:

HON'BLE MR. R.RAMANUJAM, MEMBER (A)
HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)

ASHOK BHATI S/O LATE SH. SAYARA RAM JI, B/C HARIJAN, AGED 32 YEARS,
R/O PORI, VILL.KAGMALA, TEH. RANIWARA, ZILA JALORE.

...APPLICANT

(BY ADVOCATE: SHRI K.K. SHAH)

VERSUS

1. UNION OF INDIA THROUGH THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF COMMUNICATION, DEPARTMENT OF POSTS, NEW DELHI.
2. THE CHIEF POSTMASTER GENERAL, OFFICE OF CHIEF POSTMASTER
GENERAL (RAJASTHAN CIRCLE), JAIPUR.
3. THE POSTMASTER GENERAL, OFFICE OF POSTMASTER GENERAL, WESTERN
REGION, JODHPUR.
4. THE DIRECTOR, POSTAL SERVICES, RAJASTHAN WESTERN REGION,
JODHPUR.
5. THE SUPERINTENDENT, HEAD POST OFFICE, SIROHI (RAJ.)

...RESPONDENTS

(BY ADVOCATE: MR. K.S.YADAV)

ORDER (ORAL)

PER HON'BLE MR. R. RAMANUJAM, MEMBER (A)

HEARD BOTH SIDES. LEARNED COUNSEL FOR THE APPLICANT

WOULD SUBMIT THAT THE APPLICANT WAS AGGRIEVED BY THE IMPUGNED ANNEXURE-A/1 COMMUNICATION DATED 18.03.2009 BY WHICH HIS APPLICATION FOR COMPASSIONATE APPOINTMENT HAD BEEN SUMMARILY REJECTED WITHOUT DISCLOSING ANY REASONS WHATSOEVER.

2. . LEARNED COUNSEL FOR THE RESPONDENTS POINTS OUT THAT THE APPLICANT HAD NOT APPROACHED THIS TRIBUNAL WITHIN THE PERIOD OF LIMITATION AFTER RECEIVING THE COMMUNICATION. NO VALID GROUNDS HAVE BEEN SUBMITTED FOR THE DELAY NOR HAS ANY MA BEEN FILED FOR CONDONATION OF DELAY, IN THE INTEREST OF JUSTICE

3. AS REGARDS THE MERITS OF THE CASE, THE MATTER HAD BEEN CONSIDERED BY THE CIRCLE RELAXATION COMMITTEE, WHICH OBSERVED THAT IN TERMS OF THE STATUS OF THE FAMILY, EARNING MEMBER, INCOME, LIABILITIES, ASSETS ETC., THE APPLICANT DID NOT DESERVE ANY COMPASSIONATE APPOINTMENT. IT IS SUBMITTED THAT THE FAMILY OF THE DECEASED EMPLOYEE HAD BEEN PAID EX-GRATIA GRATUITY OF RS.18,000/-, SEVERANCE AMOUNT OF RS.30,000/- AND FINANCIAL ASSISTANCE FROM CIRCLE WELFARE FUND OF RS.7,000/-. THE FAMILY OF THE DECEASED HAD BEEN LIVING IN KELU POSU HOUSE AND HAD NOTIONAL SHARE IN AGRICULTURAL LAND OF ABOUT 1.40 HECTARE. AS THE APPLICANT'S CLAIM WAS REJECTED BY THE CIRCLE RELAXATION COMMITTEE AFTER DUE CONSIDERATION, THE OA IS LIABLE TO BE DISMISSED, IT IS CONTENDED.

4. WE HAVE CONSIDERED THE MATTER. IT IS NOT IN DISPUTE THAT THE APPLICANT HAD BEEN INFORMED OF THE REJECTION OF HIS CLAIM FOR COMPASSIONATE APPOINTMENT THROUGH ANNEXURE-A/1 ORDER WHICH IS NON-SPEAKING. MERELY STATING THAT HIS CASE WAS REJECTED BY THE CIRCLE RELAXATION COMMITTEE ON THE BASIS OF STATUS OF THE FAMILY, EARNING MEMBER, INCOME, LIABILITIES, ASSETS ETC. WOULD NOT MAKE IT A SPEAKING ORDER IN THE ABSENCE OF DISCLOSURE AS TO THE NUMBER OF AVAILABLE POSTS FOR COMPASSIONATE APPOINTMENT IN THE RELEVANT YEAR, NUMBER OF POSTS FILLED AND HOW THE FINANCIAL CONDITION OF THE FAMILY OF THE APPLICANT HAD BEEN ASSESSED RELATIVE TO OTHER CLAIMANTS. WE ARE, THEREFORE, OF THE VIEW THAT THE ENDS OF JUSTICE WOULD MET IN THIS CASE, IF THE RESPONDENTS ARE DIRECTED TO PASS A DETAILED SPEAKING ORDER AS TO THE MANNER IN WHICH THE MATTER WAS CONSIDERED BY THE CIRCLE RELAXATION COMMITTEE AND THE BASIS ON WHICH IT ARRIVED AT THE CONCLUSION THAT THE APPLICANT DID NOT DESERVE AN APPOINTMENT ON COMPASSIONATE GROUNDS AS COMPARED TO THOSE WHO HAD BEEN SELECTED FOR COMPASSIONATE APPOINTMENT. IF THE CLAIMS HAD BEEN CONSIDERED BY THE CIRCLE RELAXATION COMMITTEE BY AWARDED POINTS TO THE CLAIMANTS UNDER DIFFERENT CRITERIA SUCH AS STATUS OF THE FAMILY, EARNING MEMBER, INCOME, LIABILITIES, ASSETS ETC., THEN THE POINTS AWARDED

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TO THE APPLICANT ON EACH ALONG WITH THE TOTAL POINTS AS ALSO THE TOTAL POINTS AWARDED TO THE LAST SELECTED CANDIDATE MUST BE REFLECTED IN THE SPEAKING ORDER.

5. RESPONDENTS DIRECTED AS ABOVE. THE EXERCISE SHALL BE COMPLETED WITHIN A PERIOD OF TWO MONTHS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER. MA NO.276/2015 STANDS DISPOSED OF IN THE LIGHT OF THIS ORDER.

**[SURESH KUMAR MONGA]
[R.RAMANUJAM]
MEMBER (J)
MEMBER (A)**

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