



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/610/2016

Date of order : 14.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

JAYANTI CHAKRABORTY

W/o Late Sukumar Chakraborty
Worked as a Group 'D' employee
Of Patrasayer Sub Post Office,
Bankura Division,
West Bengal.

SUBRATA CHAKRABORTY

JAYANTA CHAKRABORTY
S/o Late Sukumar Chakraborty
R/o Vill & PO – Patrasayer,
Dist. – Bankura,
Pin – 722206.

APARNA BAGCHI

W/o Partha Pratim Bagchi,
D/o Late Sukumar Chakraborty
R/o Nibedita Pally,
Muchipara, Vill – Burdwan
Post – Burdwan
Dist. – Burdwan,
Pin – 713103.

PUTUL BHATTACHARYA

W/o Gopal Bhattacharya,
D/o Late Sukumar Chakraborty
R/o Vill & PO – Kendur,
Dist. – Burdwan
Pin – 713427.

...APPLICANTS

VERSUS

1. Union of India, through
The Secretary,
Ministry of Communication,
Dept. of Posts,
Govt. of India,
Dak Bhawan
New Delhi – 110001
2. The Chief Post Master General,
West Bengal Circle,
Dept. of Posts,
Yogayog Bhawan,
Kolkata – 700012.
3. The Director of Postal Services (HQ)
O/o Chief Postmaster General,
West Bengal Circle,
Dept. of Posts,
Yogayog Bhawan,
Kolkata – 700012.

4. The Assistant Director of Postal Services (Rectt)
O/o Chief Postmaster General,
West Bengal Circle,
Dept. of Posts,
Yogayog Bhawan,
Kolkata - 700012.
5. The Sr. Superintendent of Post Offices,
Bankura,
Dept. of Posts,
West Bengal,
Dist. - Bankura,
Pin - 722101.

...RESPONDENTS.

For the applicants: Mr.A.Bhattacharjee, counsel
Ms. S.Saxena, counsel

For the respondents: Mr.M.K.Ghara, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.A.Bhattacharjee, ld. Counsel assisted by Ms. S.Saxena, ld. Counsel appears for the applicants and Mr.M.K.Ghara, ld. Counsel appears for the respondents.

2. By making the present application under Section 19 of the Administrative Tribunals Act, 1985 the applicants have prayed for the following reliefs :

- a) Leave may be granted to the applicants under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to join together and file single application jointly since the cause of action and the nature of relief prayed for are same and all the applicants have a common interest in the matter.
- b) A direction do issue upon the respondents to give an employment to the applicant in appropriate post No.2 on compassionate ground under died-in-harness quota, accordingly his qualification.
- c) A direction do issue upon the respondents to rescind, recall and revoke the impugned Memo No. B4 60/2001-2002 dated 9.2.2016 being Annexure A/10 to the instant application.
- d) And/or to pass such other or further order/orders as to your Lordships may deem fit and proper.

3. The brief fact as narrated by the ld. Counsel for the applicant is that Sukumar Chakraborty, a Group D employee of Patrasayer Sub Post Office, Bankura Division died in harness on 17.1.2002. The applicants made an

application for compassionate appointment in the year 2002 but the respondents did not consider the same. The applicants approached this Tribunal in OA 962/2008, wherein this Tribunal vide order dated 4.11.2008 directed the respondents to consider the prayer for compassionate appointment. The respondents vide their letter dated 3.2.2010 intimated the applicants that the matter of compassionate appointment of applicant NO.2 was placed before the Circle Relaxation Committee meeting held on 19.1.2010 and the case was rejected on the ground that the family was not found to be indigent.

Being dissatisfied with the reply from the respondents, the applicants further approached this Tribunal in OA 907/2010 which was disposed of on 12.9.2010 with a direction upon the respondents to consider the prayer for compassionate appointment of applicant No.2 in the light of the judgment of Hon'ble Apex Court in the case of Umesh Kumar Nagpal -vs- State of Haryana [1994 SCC (L&S) 930]. Since the respondents did not take any action, the applicants filed CPC 92/2013. During the pendency of CPC 92/2013 the respondent No.2 vide memo dated 22.11.2013 intimated the applicants that the matter was placed before the Circle Relaxation Committee meeting held on 14.11.2013 but the case of the applicant No.2 was not approved because applicant No.2 secured 46 points whereas the last approved candidate earned 67 points. Since there was no willful violation of the order of the Tribunal dated 12.9.2012, the CPC 92/2013 was dropped vide order dated 10.2.2014 but liberty was granted to the applicant No.1 to challenge the content of the order passed by the respondents on 22.11.2013.

The applicant moved this Tribunal again in OA 1580/2014 and the Tribunal was pleased to dispose of the OA by directing the respondents to place the matter before the next Circle Relaxation Committee meeting. The respondents accordingly placed the case of the applicant No.2 before the Circle Relaxation Committee meeting held on 16.6.2015 against the available vacancies in Postman cadre of 2012, 2013 and 2014 but the committee could not recommend his case as he secured less merit points than that of the last

recommended candidate. However, the case of the applicant No.2 will be placed before the next Circle Relaxation Committee meeting in Postman cadre against the vacancies of 2015-16. The respondents intimated the applicants vide letter dated 9.2.2016.

In the present OA the applicants seeks quashing of the impugned letter dated 9.2.2016.

4. The respondents by filing their reply have stated that the present OA has got no cause of action and the said application is not maintainable both in law and in facts and is devoid of any merit. The respondents have prayed for dismissal of the instant OA.

5. I have heard both the ld. Counsels and perused the pleadings and materials placed before me.

6. From the perusal of the pleadings I am of the view that the ex employee expired in the year 2002 and the applicants are approaching the respondent authorities and this Tribunal repeatedly with the same prayer for consideration of applicant No.2 for compassionate appointment. Hence the present application is hit by principles of res judicata.

7. Therefore the OA stands dismissed on the ground of res judicata. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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