

O.A.No. 1077/2017
M.A.No. 637/2017
M.A.No. 638/2017
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH.

LIBRARY

DETAILS OF THE APPLICATION:

PARTICULARS OF THE APPLICANT:

1. Smt. Anjali Pradhan, W/O of late Ajoy Kumar Pradhan, aged about 60 years, residing at Vill.-Tarulia (2nd Lane), P.O.-Krishnapur, Dist. 24-Parganas (North), PIN-700102.

2. Shri Jyotirmoy Pradhan, son of late Ajoy Kumar Pradhan, aged about 36 years, residing at Vill.-Tarulia (2nd Lane), P.O.-Krishnapur, Dist. 24-Parganas (North), PIN-700102.

... APPLICANTS.

-V E R S U S-

PARTICULARS OF THE RESPONDENTS:

- 1) Union of India, through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-1.
- 2) The Chief Post Master General, West Bengal Circle, Yogayog Bhawan, C.R.Avenue, Kolkata-700 012.
- 3) The Postmaster General, South Bengal Region, Yogayog Bhawan, C.R.Avenue, Kolkata-700 012.
- 4) The Sr. Superintendent of Post Offices, Kolkata R.M.S. Division, Kolkata-700 001.

... RESPONDENTS.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/1077/2017
M.A.350/637/2017
M.A.350/638/2017

Date of order : 08.05.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. C. Sarkar, counsel

ORDER (ORAL)

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"An order do issue directing the Respondents to consider the case of the Applicant No. 2 for appointment in any category. Without taking into account the benefits got by applicant no. 1 towards pensionary benefits."

The applicants have filed M.A.No.350/637/2017 for condonation of delay in filing the O.A.and M.A.No.350/638/2017 for joint prosecution.

2. Heard Id. counsel Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicants. Mr. C. Sarkar, Id. counsel for the respondents is also present and heard.

3. Mr. C. Sarkar, Id. assisting counsel of Mr. R. Halder, Id. counsel for the respondents has brought to my notice certain anomalies in the M.As ,but I think those are trivial in nature and can be corrected with permission of this court.



Accordingly Mr. A. Chakraborty is permitted to make necessary corrections in the M.As in red ink in the court copies as well as in the copy served to the Id. counsel for the respondents.

Having heard Id. counsel for both sides, both the M.As are allowed.

4. So far as the O.A. is concerned, Id. counsel for the applicants submitted that the husband of the applicant no.1, Sri Ajoy Kumar Pradhan who was working as Sorting Assistant at North Sorting Kolkata, RMS Kolkata, expired on 19.01.2010 while in service leaving behind the following family members:-

Sl No.	Name	Relationship	Date of Birth
1	Smt. Anjali Pradhan	Wife	01.04.1955
2	Shri Jyotirmoy Pradhan	Son	11.12.1978

It is submitted by the Id. counsel for the applicants that the husband of the applicant no.1 was only earning member of the family and due to sudden demise of the sole bread earner of the family the applicants are facing acute financial hardship. It is further stated by the Id. counsel for the applicants that the applicant no.1 is suffering from different ailments and a large amount of money is required for her treatment.

However, the applicant no.1 had earlier filed an Original Application before this Tribunal praying for a direction upon the respondents to grant appointment on compassionate ground. The said Original application being O.A No. 570 of 2013 was disposed of by this Tribunal with a direction upon the respondent no.3 or any other competent authority to intimate the decision of the representation. Thereafter, a speaking order was issued by the authority concerned rejecting the

claim of the applicants on the ground that they got only 38 points. Thereafter the applicant moved another application being O.A NO. 1460 of 2013 before this Tribunal which was dismissed being pre-mature.

Ld. counsel for the applicants submitted that the applicant received a letter dated 17.11.2014 issued by the Senior Superintendent, Kolkata RMS Division, Department of Posts whereby the applicant No.2 was requested to forward an Affidavit regarding his present marital status. Ld. counsel for the applicants further submitted that pursuant to the said direction the applicant No.2 submitted an affidavit stating his marital status, but his case for compassionate appointment was not placed before the Circle Relaxation Committee for consideration.

According to the Ld. counsel for the applicants, the Circle Relaxation Committee in the previous meeting considered the case of applicant no.2 taking into account the benefits received by the applicant no.1 towards settlement dues. Ld. counsel for the applicants submitted that as per the law laid down by the Hon'ble Apex Court in its various Judgments, the pensionary benefits received by the family of the deceased employee cannot be taken into account for the purpose of consideration of the case for appointment on compassionate ground, therefore, the action of the respondents in not considering the case of the applicant No.2 for compassionate appointment on such grounds is illegal, arbitrary and violative of the law laid down by the Hon'ble Supreme Court. Being aggrieved by such action of the respondents, the applicants have approached this Tribunal praying for the aforesaid reliefs.



5. By drawing our attention to Annexure A/7 which is an Affidavit of the applicant No.2 regarding his marital status, Mr. A. Chakraborty, Id. counsel for the applicants submitted that in compliance with the order passed by the official respondents on 17.11.2014(Annexure A/6) the applicant No.2 has deposited the requisite documents and the applicants would be satisfied for the present if the Respondent No.4 i.e. the Senior Superintendent of Post Offices, Kolkata R.M.S. Division, Kolkata is directed to consider those documents and grant appointment to the Applicant No.2 if he is otherwise found eligible as per rules within a specific time limit.

6. Considering the aforesaid facts and circumstances of this case I am of the view that it will not be prejudicial to either of the parties if the respondent No.4 is directed to consider the documents submitted by the applicants in compliance of the office order dated 17.11.2014(Annexure A/6) and decide the further course of action regarding appointment of Applicant No.2 under the compassionate appointment quota.

7. Accordingly the Respondent No.4 i.e. the Senior Superintendent of Post Offices, Kolkata R.M.S. Division, Kolkata is directed to consider the documents submitted by the applicants as per office order dated 17.11.2014(Annexure A/6) and take a final decision in the matter within a period of six weeks from the date of receipt of a copy of this order. After such consideration if the applicant No.2 is found entitled for compassionate appointment, then he may be granted such benefit if he is otherwise eligible for such appointment as per rules, within a further period of eight weeks from the date of taking decision in the matter.

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8. It is made clear that I have not gone into the merits of the case and all the points are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. With the above observations the O.A. is disposed of. No order as to cost.

10. A free copy of this order be handed over to Id. counsel for both sides.

(A.K. Patnaik)
Judicial Member

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