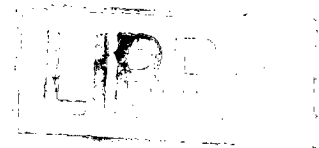


O.A. No. 350/354/2016



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 350/354 of 2016

In the matter of:

An application under Section 19 of the
Administrative Tribunal Act, 1985;

And

In the matter of:

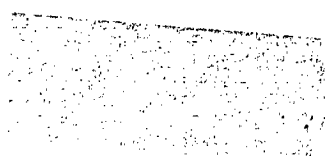
1. Bamdeb Ghosh, son of Late
Und. Aditya Kumar Ghosh, aged about 33
years, residing at Village and Post
Office-Bara Purulia, District-Burdwan,
Pin-713140
Pin-713101, unemployed youth.

2. Smt. Nilima Ghosh, wife of Late
Aditya Kumar Ghosh, aged about 56
years, residing at Village and Post
Office-Bara Purulia, District-Burdwan,
Pin-713140
Pin-713101, housewife.

.....Applicants

-Versus-

1. Union of India, service through
the Secretary, Ministry of

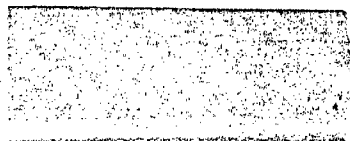


Communication, Dak Bhavan, New
Delhi-1.

2. Chief Post Master General, W.B.
Circle, Yogayog Bhavan, C.R. Avenue,
Kolkata-700012.
3. The Post Master General, South
Bengal Region, Yogayog Bhavan, C.R.
Avenue, Kolkata-700012.
4. The Assistant Director of Postal
Service, office of the Post Master
General, South Bengal Region, C.R.
Avenue, Kolkata-700012.
5. The Senior Superintendent of
Post Offices, Burdwan Division,
Burdwan, Pin 713130.
6. The Assistant Superintendent of
Post Office, Katwa Sub-Division, Post
Office Katwa, Burdwan, Pin 713130;

... Respondents

WJ



O.A.No.350/354/2016

Date : 02.02.2018

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

For the applicant : Mr. Syed J. Ali, counsel

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

ORDER

A.K. Patnaik, Judicial Member

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

- a) "An order do issue directing the respondent no.5 to rescind quash and set aside the impugned order dated 03.11.2015 passed by respondent no.5 being Memo No. A/GDS/RELAX/BAMDEB GHOSH-2013;
- b) An order do issue directing the concerned respondent to consider the case of the appointment of the applicant on compassionate ground in place of the deceased Late Aditya Kumar Ghosh;
- c) Further or other order as Your Lordships may deem fit and proper.
- d) Leave may be granted to file this application jointly in common cause of action u/s. 4((5)(a)CAT Procedure,1985."

2. I have heard Mr. Syed J. Ali, Id. counsel for the applicant and Mr. M.K. Ghara, Id. counsel for the respondents.

3. Brief facts of this case as narrated by Mr. Syed J. Ali, Id. counsel for the applicant are that the father of the applicant Sri Aditya Kumar Ghosh who was

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working under the respondents as G.D.S.M.D. died on 24.09.2012 leaving behind the following legal heirs:-

- a) Chapala Ghosh-widow mother
- b) Nilima Ghosh-widow wife
- c) Bamdev Ghosh-Son
- d) Shyamdev Ghosh-Son
- e) Anuradha Sarkar-Daughter

Mr. Ali, Id. counsel for the applicant submitted that after demise of Sri Aditya Kumar Ghosh, the applicant, Sri Bamdev Ghosh who is the eldest son of the deceased employee had applied for appointment on compassionate ground. However, the respondent authorities rejected the prayer of the applicant vide order dated 03.11.2015 (Annexure A/6) on the ground that the applicant got 45 merit points and as per the instructions of the Postal Dte's communication no.17-17/2010-GDS dated 01.08.2011, compassionate Engagement in GDS posts can be made to the candidate who earns 50 and above merit points and in that view of the matter his case was not recommended for compassionate appointment by the Circle Relaxation Committee.

4. The respondents have filed reply statement to the O.A. The applicant has filed rejoinder to the same.

5. Id. counsel for the applicant Mr. Ali has drawn my attention to para 8 of the reply statement wherein the respondents have stated as under:-

"8. However, the merit point of the applicant will be reassessed as per Department of Posts' revised guideline dated 17.12.2015 whereby the threshold of 'hard and deserving cases' has been lowered from 51 to 36 and the case of the applicant will be placed before the next Circle Relaxation Committee meeting in GDS cadre."

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Referring to the aforesaid statement made by the respondent authorities the Id. counsel Mr. Ali submitted that the applicant would be satisfied if his prayer is reconsidered in the light of the observations made in Para 8 of the reply and as per the relevant rules , guidelines and circulars governing the field.

6. The Id. counsel for the respondents Mr. M.K. Ghara has not controverted the statement made in para 8 of the reply statement filed by them.

7. Considering the aforesaid facts and circumstances, I am of the view that it will not be prejudicial to either of the parties if the matter is once again sent to the respondent authority concerned for reconsideration as per the statement made by them in para 8 of the reply statement and pass a well reasoned order as per the extant rules/guidelines/circulars in force within a specific time frame.

8. Accordingly the matter is remanded to the Respondent No.5 i.e. the Senior Superintendent of Post Offices, Burdwan Division, Burdwan who will consider the case of the applicant keeping in mind the statement made by them in Para 8 of their reply statement and pass a well reasoned order as per the rules/guidelines/circulars governing the field within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. If the applicant is found entitled to the benefit as claimed, he may be granted the same within a further period of six weeks from the date of taking decision in the matter.

9. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to Respondent No.5 by speed post by the Registry for which the Id. counsel for the applicant undertakes to deposit the cost within one week.



10. With the above observations the O.A stands disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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