

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A./O50/00592/2017

Orders Reserved on : 24.01.2017

Date of orders : 16th Feb., 2018

CORAM

HON'BLE Mrs. BIDISHA BANERJEE, MEMBER (J)

Vikash Kumar, S/o Late Dayanand Modi, Village – Manoharpur, PO – Shahjadpur, District – Ghagalpur.applicant

By Advocate : Shri J.K.Karn

. Versus

1. The Union of India through the Secretary Cum D.G., Department of Posts, Dak Bhawan, New Delhi -110001.
2. The Chief Postmaster General, Bihar Circle, Patna - 800001.
3. The Asstt. Director [Staff & Recruitment], O/o the Chief Postmaster General, Bihar Circle, Patna 800001.
4. The Postmaster General, East Region, Bhagalpur – 812001.
5. The Superintendent of Post Offices, Bhagalpur Division, Bhagalpur.

.... Respondents.

By Advocates: Mr. G.K.Agarwal

ORDER

Per Bidisha Banerjee, Member [J] :- The applicant has filed the present OA seeking the following reliefs :-

“8[A] Letter No. R&E – 76/2017-14/GDS dated, Patna 25.07.2017, issued under the signature of Assistant Director [Recruitment], Bihar Circle, Patna, communicated to applicant vide letter No.A-327/MC/Relax/2016-17 Bhagalpur/dated – 03.08.2017, by the Superintendent of Post Offices Bhagalpur Division, as contained in Annexure-A/1, may be quashed and set aside.

[B] The respondent authorities may be directed to reconsider and decide the claim and prayer of the applicant for his appointment on compassionate ground in accordance with rules/instructions available on the point.”

2. The leading facts in the instant OA is that the applicant is the son of the deceased employee late Dayanand Modi, who died in harness on 05.12.2014 [Annexure-A/1] while working as GDSMC at Sahjadpu Branch Post Office under Bhagalpur Postal Division. The learned counsel for the applicant submitted that the deceased employee was having a house in which the family members of the deceased reside. The learned counsel submitted that since the deceased employee was in GDS cadre in which there is no provision of pension but appointment on compassionate ground to the member of the bereaved family may be provided in pursuance of D.G. Posts, letter dated 5th August, 1993. The applicant submitted that an official of the department came to his residence and conveyed the facility of compassionate appointment. He also got filled several documents dealing with the assets and liabilities, number of dependants etc. but vide letter dated 18.01.2016 [Annexure-A/5], the respondent authorities rejected the claim for appointment on compassionate ground on the ground not having passed 10th Standard Examination, which is absolutely erroneous, as according to the applicant, she was required to be allowed relaxation in education in terms of department circular. Thereafter, the mother of the applicant submitted an application requesting appointment of the applicant on compassionate ground, who is at present studying in Graduation Part-III. It is further submitted that the family of the deceased has been survived by the widow, namely Rita Devi, two unmarried daughters and two unemployed sons. The learned counsel submitted that the applicant was conveyed by letter dated 25.07.2017 that his claim for appointment on compassionate ground has been examined in the light of rules and found that once the claim was rejected, a fresh case in the name of another family member cannot be placed before the CRC meeting without any direction of the competent

authority or court, hence this OA.

3. The respondents in their written statement have submitted that Late Daya Nand Modi while working as GDSMD/MC Sahjadpur BO under Bhagalpur Dn. Died on 05.12.2014 leaving behind wife, two daughters and two sons. After death of the deceased the widow sponsored herself for appointment on compassionate ground. The candidate is class VIII passed and her date of birth is 30.12.1971. The family of the deceased has been paid Rs. 10,800/- as terminal benefits. The family has own house and no agricultural land. Rs. 60,000/- only comes from other sources of income to the family. The left over service of the deceased was 30 years 10 months and 04 days. The claim for compassionate appointment was received in the office on 03.08.2015 and the same was placed before the CRC in its meeting held in the year 2016 and not recommended as the candidate was only 8th pass. The respondents submitted that as per rule on the subject a minimum educational qualification for appointment on compassionate ground is 10th pass, therefore her case has been rejected vide letter dated 18.01.2016. The respondents further submitted that after expiry of more than one year of rejection, fresh claim of Shri Vikash Kumar, son of late Daya Nand Modi Ex-GDS MD/MC, Sahjadpur BO under Bhagalpur Dn. has been received in the office on 17.02.2017. During the course of verification of the case, it was observed that the CRC has already rejected the compassionate appointment of Smt. Rita Devi, wife of Late Daya Nand Modi, therefore, the Superintendent of Post Office, Bhagalpur Division, was intimated vide letter dated 25.07.2017 that this case cannot be placed before the CRC meeting as once the case of Smt. Rita Devi has already been considered and not recommended by the CRC.

4. The learned counsels were heard and materials on record were

perused.

5. It is observed that the reason for rejection of widow's case was not disclosed. The death benefits are also too meager.

6. Hence, the respondent authorities are directed to place the matter before the next CRC for appropriate consideration.

7. The OA stands disposed of accordingly. No costs.

[Bidisha Banerjee]
Member (Judicial)

mps/-