

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH

Original Application No 050/00250/2016

Reserved on 15.01.2018

Pronounced on _ 19.01.2018

CORAM :

Hon'ble Shri Jayesh V. Bhairavia, Member (J)

.....
1. Manju Kumari D/o late Nand Kishore Choudhary, resident of Village & P.O.- Paharpur, Via- Raghpur, District- Vaishali.

.....**Applicants**

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.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Asstt. Director (Recruitment), O/o Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Vaishali Division, Hajipur.

.....**Respondents**

By Advocate : Shri Deepak Kumar

O R D E R

Per Jayesh V. Bhairavia, Member (J): This is second round of litigation. The applicant in this O.A is aggrieved by the order dated 08.02.2016 issued by Asstt. Director (Recruitment) O/o the Chief Postmaster General, Bihar circle, Patna (Annexure A/4), by which the claim for appointment on compassionate ground has been rejected. The applicant prays for quashing the said order and for a direction upon the respondents to issue a revised order giving correct calculation of points in accordance with law and to approve the appointment of applicant on compassionate ground. The brief facts, as submitted by the applicant is as below :-

[i] The applicant is the second daughter of late Nand Kishore Choudhary who was working on the post of Postman at Raghpur SO in Vaishali Division and died in harness on 15.12.1997 leaving behind his wife, four daughters and one son who is mentally retarded. The applicant in this O.A is the second daughter of the deceased employee who became widow in the year 1999 just within two months of her

marriage and thereafter she has been threw out by her in laws. Since then she has been living with her mother.

[ii] Since the brother of applicant is not in a sound state of mind so he is not in position to do any duty therefore, the applicant in this O.A, who is only one who can look after the family. She was facing a lot of problem due to financial crisis in looking after the family therefore she applied for appointment on compassionate ground. Her case was considered alongwith 60 others (total 61) cases were considered alongwith the applicant against the 16 vacancies and those who earned 65 and above points were recommended but the case of applicant earned only 63 points hence her claim was rejected vide order dated 05.09.2011.

[iii] Being aggrieved by the said order the applicant had approached this Tribunal through O.A 375/2012 for the same relief which was disposed of vide order dated 10.03.2014 with a direction to respondents to reconsider the claim of the applicant in the light of the points raised by the applicant regarding scores awarded particularly keeping in view that she is widow and that she is looking one mentally handicapped brother and to decide the matter by passing a speaking order within a period of six months.

[iv] In compliance of the order of this Tribunal dated 10.03.2014, the respondents reconsidered the same and recalculated the points and the applicant was awarded 58 points only against the cut off points of 60.

[v] L/c for applicant submits that during the pendency of her application mother of applicant expired and at present no source of income available to the applicant due to sad demise of her mother and stoppage of family pension. It is further submitted by the l/c for applicant that the respondents have considered case of another applicant for compassionate appointment and vide order dated 01.11.2017 for the year 2016-17 the said applicant was not scored 55

points therefore his application was rejected. (Annexure A/6 refers). On the basis of said stand of the respondents the I/c for applicant submits that at present the applicant has been awarded 58 points therefore her application ought to be considered by the respondents. It is further contended by the applicant that as per the provision of new circular there is no restriction to consider the case of applicant for third time as such there is no limit prescribed for consideration of application for compassionate appointment by the respondents. Hence; this O.A.

3. The respondents have filed their written statement and denied the contention of the applicant. The I/c for respondents contended that as per the direction of this Tribunal vide order dated 10.03.2014, the case of the applicant was placed before the CRC it was found that CRC has awarded 58 points only in the case of applicant as the number of dependents reduced from three to two. Since the last selection was made on 60 points the case of the applicant was not recommended. It is further submitted that the brother of applicant is physically challenged person and though no proper documents have been produced by the applicant. The respondents have awarded 05 points against number of dependents. The family of the deceased has income of Rs.30,000/- per year according to the income certificate produced by the applicant and the family of the deceased has 9 decimal of a piece of land and considering all the criteria the CRC has awarded 58 points to the applicant. However, the last selection was made on 60 points, the case of the applicant was not fit to be recommended.

4. The learned counsel for applicant filed the rejoinder and submitted that as per the existing policy of the respondents for consideration of claim of compassionate appointment the case of the applicant require reconsideration. The I/c for applicant has produced the copy of order dated 01.11.2017 and contended that for the year 2016-17 the respondents has considered the application having 55 merit points whereas the applicant has been awarded 58 points therefore her case is required to be reconsidered.

5. Heard the parties and perused the records. It reveals that the respondents has considered the applications for compassionate appointment having awarded 55 merit points whereas the applicant secured 58 merit points, this fact has been not rebutted by the respondents. Therefore, the case of the applicant deserves to be reconsidered in the light of the grounds stated in this O.A by the applicant and scores awarded to the applicant. More particularly keeping in view that she is widow and she is looking after her brother who is physically challenged person. Hence, it is directed the respondents to reconsider the case of applicant for compassionate appointment in view of what is stated hereinabove by passing a speaking order within a period not exceeding three months from the date of receipt of certified copy of this order. No costs.

(Jayesh V. Bhairavia)

Member (Juld.)

Mks.