

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH AT RANCHI
OA/051/00732/18**

Date of Order: 14/09/2018

**C O R A M
HON'BLE MR. A.K. PATTNAIK, MEMBER[J]
HON'BLE MR. PRADEEP KUMAR, MEMBER[A]**

Gupteshwar Sai, S/o Late Parshuram Sai, aged 39 years, resident of Village & PO- Dumardih via Kurdeg- 839212, PS- Kurdeg, District- Simdega, Jharkhand.

..... Applicant.

- By Advocate: - Mr. Rajendra Prasad

-Vrs-

1. Union of India through the Secretary (Post), Postal Service Board, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General, Jharkhand Circle, PO & PS- Doranda-834002, District- Ranchi, Jharkhand.
3. The Director Postal Service, Jharkhand Circle, Ranchi, PO & PS- Doranda-834002, District- Ranchi, Jharkhand.
4. The Assistant Director of Postal Services (Personnel), Jharkhand Circle, Ranchi, PO & PS- Doranda-834002, District- Ranchi, Jharkhand.
5. The Sr. Superintendent of Post Offices, Ranchi Division, PO, PS & District- Ranchi-834001, Jharkhand.
6. The Inspector Post, Simdega Sub-Division, PO, PS & District- Simdega-835223, Jharkhand.

..... Respondents.

- By Advocate - Mr. A.K. Sharma

**ORDER
[ORAL]**

Per A.K. Pattnaik, J.M.:- This OA has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 with the following prayers:-

- (i) That Your Lordships may graciously be pleased to call for the records pertaining to the Annexure- A/1 to A/3, A/5 and A/7 from the respondents.
- (ii) That Your Lordship may graciously be pleased to direct the respondent No. 2 for considering the claim of the applicant for engagement on compassionate ground to the GDS post in view of the hard and deserving case of the applicant.
- (iii) That for any order/s, direction/s as Your Lordships may deem fit and proper in the interest of justice.
- (iv) That Your Lordship may graciously be pleased to allow the OA with cost, because the applicant is being dragged into avoidable litigation.”

2. The sum and substance of the case as per the applicant is that the applicant's father died on 03.10.2003 while working on the post of GDSBPM in Dumardih BO in account with Kurdeg SO in Ranchi Division, Ranchi. The applicant's claim for engagement on compassionate ground was not placed before the CRC as he did not possess the requisite educational qualification of secondary examination (Annexures A/5 & 6). It is submitted that after acquiring the requisite educational qualification the applicant submitted representations dated 07.10.2017 and 22.02.2018 (Annexures A/1 and A/2) along with educational certificates to respondent no. 2 for considering his claim with a copy to respondent no. 5 and 6. It is submitted by the applicant that he had acquired the requisite educational qualification of Madhyama Examination from Jharkhand Academic Council (Secondary Examination) which is recognized by COBSE (Annexures A/8 & A/9). Finally, the applicant filed another

representation on 24.05.2018 (Annexure A/7) to respondent no. 2 appraising all the facts. When no action was taken despite his repeated representations the applicant approached this Tribunal seeking the reliefs as mentioned above.

3. As his last representation dated 24.05.2018 (Annexure A/7) is stated to be pending before the respondent no. 2, we dispose of this OA at the admission stage itself without entering into the merit of the case with direction to respondent no. 2 that if any such representation has been preferred on 24.05.2018 and the same is still pending consideration then the same may be considered keeping in mind the departmental rules on the subject. After such consideration if the applicant's grievance is found to be genuine then the respondent no. 2 is directed to consider his case and pass a reasoned and speaking order within a period of six weeks of receipt of this order with due communication to the applicant. No order as to costs.

4. As prayed for by the learned counsel for the applicant, a copy of this order along with the copy of OA in paper book format along with his representation dated 24.05.2018 be submitted to respondent no. 2 by speed post for which he undertakes to deposit the cost with the registry within a period of 7 days.

[Pradeep Kumar]/M[A]

[A.K. Pattnaik]/M[J]

Srk.