

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A.No.260/00810/2014

Reserved on : 12.4.2019
Pronounced on: 22.4.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER (A)

Sri Manas Kumar Pradhan, aged about 22 years, S/o. Late Chhaila Pradhan, At-Bidurbank, Po. Manapada, Ps. Brahmagiri, Dist. Puri.

...Applicant

By the Advocate(s)-Mr.A.K.Patnaik

-VERSUS-

1. Union of India represented through the Director General of Post, At- Dak Bhawan, New Delhi.
2. Chief Post Master General, Odisha Circle, At/Po. Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices, Puri Division, At/Po/PS/Dist. Puri.

...Respondents

By the Advocate(s)- Mr.L.Jena

ORDER

GOKUL CHANDRA PATI, MEMBER(A)

The applicant has filed this OA under the section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "a) The original application may kindly be allowed;
- b) The operation of the order under Annexure-A/5 may be quashed;
- c) The Respondents may be directed to reconsider the case of the applicant for an

appointment under the rehabilitation assistance scheme; and

d) Such other order(s) direction(s) may be given in giving complete relief to the applicant."

2. The facts of the case are that the applicant's father was a Gramin Dak Sevak (in short GDS) under the respondents and died while working as a GDS in Manapada Post Office due to heart attack on 1.10.2011(vide Death certificate at Annexure-A/1). Tahsildar issued a letter in reply to the letter from the respondents about the family members of the deceased GDS vide letter dated 24.3.2012 (Annexure-A/2). The applicant's mother requested the authorities to consider the applicant's case for compassionate appointment with the required documents. The respondents informed that his case was not considered since he secured less than 51 merit points required to consider the case as per the details of calculation of merit points at Annexure-A/3. The mother of the applicant represented for reconsideration of the applicant's case vide letter dated 27.11.2012. Since it was not considered, the applicant filed the OA No. 573/2014 which was disposed with a direction to the respondents to dispose of the representation of the applicant and in pursuance of this order he filed a fresh representation dated 30.7.2014 (Annexure-A/4) for consideration.

3. It is stated in the OA that the respondent no.2, without considering the representation regarding improper valuation of merit points, passed the impugned order dated 9.9.2014 (Annexure-A/5) rejecting the case of the applicant. It is further stated that in the Format for calculation (Annexure-A/3), the applicant deserves to get 15 and 8 points respectively against the

point no. 2 and 5 respectively against zero given by the respondents. The total income of the family is Rs. 24000/- and the daughter of the deceased GDS employee was physically handicapped.

4. The respondents filed Counter opposing the OA. It is stated in the Counter that the total income of the family as per the income certificate of the family members is Rs. 72000/- (vide copy at Annexure-R/5 series), for which no mark can be scored as per the guidelines dated 14.12.2010 and dated 9.3.2012 (copy at Annexure-R/1 and R/2 respectively to the Counter). Further, since no proof has been furnished regarding continuing study of the elder son and hence, no mark can be given for education of the dependent child. The order dated 9.9.2014 (Annexure-A/5 to the OA) is a well-reasoned order passed in compliance of the order of the Tribunal dated 22.7.2014.

5. The applicant has filed the Rejoinder stating that he should have been given 15 marks for one dependent child under column no. 2 of the calculation sheet of the merit points (Annexure-A/3) in accordance with the guidelines. It is also stated that the income of the family is Rs. 24000/- as per the certificate issued by Tahsildar vide copy at Annexure-A/4 of the OA. The claim of the income of Rs. 18000/- for each member of the family furnished by the respondents at Annexure-R/5 series is incorrect. It is stated that none of the family members of the deceased GDS employee is capable of earning for which he should have been given 10 marks.

6. Learned counsel for the applicant, at the time of hearing, stressed on the point that as per the guidelines dated 14.12.2010

and 9.3.2012 (copy enclosed at Annexure-R/1 and R/2 to the Counter), the applicant deserved 20 marks since his elder brother was continuing his study vide copy of the certificate at page 15 of the OA and applicant is also studying. It is submitted that three children of the deceased employee were studying and that the respondents have incorrectly assessed the income of the family to be Rs. 72000/- instead of Rs. 24000/- as per the certificate issued by the Tahsildar (copy at Annexure-A/4 series to the OA).

7. Learned counsel for the respondents reiterated the averments taken in the Counter that as per the Income certificate at Annexure-R/5 of the Counter, the applicant cannot get any mark on that account. It is further stated that the certificate at page 15 of the OA in support of continuance of the study of the elder son, was not given with the application for compassionate appointment submitted the respondents.

8. Having regard to the submissions as well as the documents available on record, I am unable to accept the assessment that the applicant does not deserve any mark for the education of the dependent child and on account of the income of the family which was Rs. 18000/- for each of the member of the family including that of the daughter who is physically disabled to the extent of 49% as per the copy of the certificate at Annexure-A/4 series of the OA. It is noticed that the representation dated 30.7.2014 (Annexure-A/4 series) submitted by the applicant after the order dated 22.7.2014 was passed by the Tribunal in OA no. 573/2014. The said representation attached copy of the Income certificate dated 1.7.2014 stating that the income of the widow to be Rs. 24000/-

per annum and another certificate stating that the elder son was continuing his study at NSG Computers vide the certificate at page 15 of the OA. The income certificates for each of the members of the family relied upon by the respondents (copy at Annexure-R/5 series) was obtained by the respondents in the year 2012. It was appropriate for the respondents to ask for a clarification from Tahsildar, Brahmagiri about the correct income of the family in the light of the different income certificate furnished by the applicant with his representation dated 30.7.2014 (Annexure-A/4 series to the OA).

9. It is noted from the impugned order dated 9.9.2014 (Annexure-A/5) that the representation dated 30.7.2014 (Annexure-A/4 series of the OA) of the applicant has not been considered by the respondent no.2. It is mentioned in the impugned order that no representation has been received from the applicant, which implies that the said order dated 9.9.2014 (Annexure-A/5) was passed without considering the representation dated 30.7.2014, along with the documents submitted by the Applicant with the said representation. Hence, the applicant's case deserves to be reconsidered based on his representation dated 30.7.2014.

10. In view of the discussions above, the order dated 9.9.2014 is set aside and the matter is remitted to the respondent no.2 to reconsider the case of the applicant based on the representation dated 30.7.2014 (Annexure-A/4 series of the OA) alongwith the documents enclosed by the applicant with the said representation, keeping in mind the observations at paragraph 8 of this order and to pass an appropriate order in accordance with the guidelines for

compassionate engagement of the GDS (Annexure-R/1 & R/2 of the Counter), communicating a copy of the said order to the applicant within three months from the date of receipt of a copy of this order.

11. The OA is allowed as above. There will be no order as to costs.

(GOKUL CHANDRA PATI)
MEMBER (ADMN.)

BKS