

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**CP No.68 of 2015
(OA No.701/2012)**

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

Miss Abinash Kaur, aged about 26 years, D/o Late Abtar Singh,
Ex-SPM, Khariar Road SO, resident of At – Statuepada,
Bhawanipatna – 766001, Dist. – Kalahandi, Odisha.

.....Applicant

VERSUS

1. Ms. Kaveri Banerjee, Director General of Post, Dak Bhawan,
Sansad Marg, New Delhi – 110001.
2. Mr.Tilak De, Chief Post Master General, Odisha Circle,
Bhubaneswar, Dist. – Khurda.
3. Ms. Kalpana Rajsingout, Post Master General, Berhampur
Region, Berhampur – 760001, Dist. – Ganjam.
4. Mr.Ramakanta Mishra, Superintendent of Post Offices,
Kalahandi Postal Division, At/Post – Bhawanipatna – 766001,
Dist. – Kalahandi.

.....Respondents

For the applicant : Mr.G.K.Behera, counsel

For the respondents: Mr.S.Behera, counsel

Heard & reserved on : 20.2.2019

Order on : 11.3.2019

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

The CP is filed for non-implementation of the order dated 7.1.2015 of this Tribunal passed in OA No. 701/2012. The operative portion of the said order is as under :

"6. Taking into consideration the various submissions made by the Id. Counsel for both the sides and after carefully considering the facts of the case, I hold that the case of the applicant for compassionate appointment needs to be reconsidered two times more by the concerned authorities strictly according to the rules, regulations and guidelines pertaining to the claim for compassionate appointment. Accordingly, the letter dated 18.5.2012, Annexure A/10 is quashed and the matter is remanded for reconsideration by the respondent authorities.

7. With the above observation and direction, the OA is disposed of with no order as to costs."

By the above order the respondents were directed to consider the case of the applicant for compassionate appointment two more times in accordance with the rules/regulations and guidelines.

2. Upon notice, the respondents have filed a show cause reply stating that after receipt of the order of the Tribunal by the respondents, it was decided to place the case of the applicant before the next Circle Relaxation Committee (in short CRC) for consideration of compassionate appointment during the year 2016 for the vacancies of the year 2015. Accordingly her case was considered for second time in the meeting held on 11.2.2016 along with 29 other cases. It was further stated that the applicant could not be approved by the CRC as he secured 44 merit points out of 100 whereas the last selected candidate secured 58 merit points. Accordingly vide reasoned order dated 25.5.2016 (Annexure C/2) the case of the applicant was rejected. Vide order at Annexure C/2 the applicant was informed. It is further stated in the show cause reply that the case of the applicant was re-considered for third time in the CRC meeting held on 18.4.2018 along with 36 other cases. Since the applicant secured 44 merit points and the last selected candidate got 60 merit points, request for compassionate appointment could not be considered and the applicant was informed vide letter at Annexure C/4 in the show cause reply. Both these orders have been received by the applicant as per the acknowledgement.

4. On this issue, the learned counsel for the applicant was heard on 31.1.2019. He submitted that the case of the applicant has not been duly considered in 2018 and the letter dated 4.10.2018 was not the consideration of the applicant's case as per the order of the Tribunal. This was contradicted by the learned counsel for the respondents who reiterated the stand taken by the respondents in the show cause reply.

5. It is seen from the copy of the minutes of the CRC held on 18.4.2018 (Annexure C/3) that the case of the applicant has been included in the part III of the minutes of the CRC stating as under :

"The case of Ms.Abinash Kaur, d/o late Abtar Singh, Ex-SPM, Khariar Road SO under Kalahandi Division was considered by the CRC in the light of orders dated 7.1.2015 passed by Hon'ble CAT vide OA No.

701/2012 and was not approved as she secured 44 merit points where as the last applicant selected for PA/SA and Postman secured 60 merit points."

From above, it is clear that as mentioned in the minutes the case of the applicant had been considered by the CRC in the light of the order of the Tribunal and the case could not be accommodated since the applicant secured 44 merit points where as the last selected candidate secured 60 merit points.

6. In view of the matter, it cannot be said that the case of the applicant was not considered twice or more time as per the order of the Tribunal vide order dated 7.1.2015. There is nothing on record to treat the minutes of the CRC meeting held on 18.4.2018 (Annexure C/3) as incorrect or wrong. Similarly it is seen from the minutes of CRC held on 11.4.2016 that the case of the applicant was also considered.

7. In view of the above, we are of the considered view that the respondents have substantially complied with the order of the Tribunal dated 7.1.2015 for which no contempt is made out. Accordingly the CP is dismissed and notices stand discharged.

8. In case the applicant is still aggrieved, she can take appropriate steps in accordance with law.

(SWARUP KUMAR MISHRA)
MEMBER (A)

(GOKUL CHANDRA PATI)
MEMBER (J)

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