

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.260/755/2014

Cuttack this the 14<sup>th</sup> day of December, 2018

CORAM:

THE HON'BLE MR.S.K.MISHRA, MEMBER(J)

Sri Kishore Kumar Jagat, aged about 39 years, S/o. Late Sadananda Jagat,  
AT/PO-Boden, PS/Dist-Nuapada

...Applicant

By the Advocate(s)-M/s.S.K.Ojha  
S.K.Nayak

-VERSUS-

Union of India represented through:

1. The Director General of Posts, Government of India, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Odisha Circle, CPMG Square, Bhubaneswar, Dist-Khurda-751 001.
3. Superintendent of Post Offices, Kalahandi Division, At/PO-Bhawanipatna, Dist-Kalahandi

...Respondents

By the Advocate(s)-Mr.G.R.Verma

ORDER

S.K.MISHRA, MEMBER(J):

Shorn of unnecessary details, it would be suffice to note that the applicant had earlier approached this Tribunal in O.A.No.64 of 2006 which was disposed of on 20.19.2016 with a direction to the Respondents to reconsider the case of the applicant for providing him an employment in GDS/ED Organization of the Postal Department; on the face of his representation under Annexure-A/5 dated 05.12.2005 and the Departmental Circulars dated 25.07.2001 and clarification issued on 14.01.2002 of the Postal Department. The entire exercise shall be completed within a period of 90 days from the date of receipt of copy of the order. While directing so the Tribunal Paragraph-5 of the said order observed as under:

“5. It has been reported in the Bar that for the reason of the ban imposed in filling up of the posts in GDS/ED organization, it may be difficult for the Department to provide an employment to the applicant on compassionate ground. It is, therefore, made clear that since the father of the applicant died on 6.4.2003, the ban in engaging EDA/GDS in the GDS/ED organization would not stand on the way of the Department to provide an engagement to the applicant in GDS/ED organization”.

2. Since the above order was not palatable, the respondents sought review of the same by filing R.A.No.15/2006 which was dismissed by this Tribunal vide order dated 20.09.2010. Aggrieved with this, the respondents-department preferred an appeal before the Hon’ble High Court of Orissa which formed the subject matter of W.P.(C) No.9785 of 2011. The Hon’ble High Court vide order and judgment dated 05.09.2013 disposed of the said Writ Petition in the following terms:

“We, therefore, modify the order of the learned Tribunal to the extent that the petitioner’s case shall be considered for rehabilitation appointment under the said scheme dated 14.12.2010 issued by the Government of India in its Ministry of Communication and Information Technology, Department of Posts (GDS) Section and direct that a decision be taken within a period of three months from today. If there is no other impediment, the petitioner shall be given such appointment. We also observe that since the limitation of 50% of total vacancy with regard to rehabilitation of appointment has been done away with, the same is not applicable in respect of the appointment to the post of GDS. This fact shall also be considered while disposing of the case of the petitioner.

The writ application accordingly stands disposed of”.

3. In the above backdrop, the Respondent communicated their decision to the applicant vide A/11 dated 05.01.2013, the gist of which reads as follows:

“I am directed to intimate that as per the direction of the Hon’ble Court, your compassionate appointment case was considered by the Special CRC held on 24.10.2013 for GDS post and could not be recommended for engagement in any GDS post on compassionate ground as you secured only 32

merit points in 100 point scale based on various indigency-related attributes prescribed by the Department whereas one has to secure minimum 51 merit points for recommendation as per the present norms”.

4. Being aggrieved by the above order, the applicant has approached this Tribunal in this O.A. praying for the following reliefs:

- i) The Original Application may be allowed.
- ii) The impugned letter dtd. 05.11.2013 under Annexure-A/11 may be quashed.
- iii) The respondents may be directed to engage the applicant in any one of the vacancies reflected in Annexure-A/12.
- iv) Such other order(s)/direction(s) may be given in giving complete relief to the applicant.

5. Respondents have filed a detailed counter opposing the prayer of the applicant, inter alia, submitting that the O.A. being devoid of merit is liable to be dismissed.

6. Heard the learned counsels for both the sides and perused the pleadings of the parties.

7. It is to be noted that once the Hon'ble High Court of Orissa had directed the respondents to consider rehabilitation appointment under the said scheme dated 14.12.2010 issued by the Government of India in its Ministry of Communication and Information Technology, Department of Posts (GDS) Section, it was no longer open for the respondents to consider and dispose of the application of the applicant for compassionate appointment as per the scheme dated 1.8.2011(R/1) which further imposes a condition that the concerned person should secure minimum 51 merit points out of 100 in order to make himself eligible for appointment on compassionate grounds. In this view of the matter, the impugned communication dated 5.11.2012 (A/11) is quashed and set aside and the matter is remitted back to the respondents to

reconsider the case of the applicant for compassionate appointment in the light of the observation and directions of the Hon'ble High Court in the Writ Petition No. 9785/2011 and pass appropriate reasoned orders and communicate the decision thereon to the applicant within a period of ninety (90) days from the date of receipt of this order.

8. With the aforesaid observation and direction, this O.A. is disposed of with no order as to costs.

(S.K.MISHRA)  
MEMBER(J)

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