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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH.

Original Application No. 350/1553 of 2018

1. Bikash Kumar Banerjee
Son of Late Guruprasad Banerjee, Ex-
GDSBPM residing at Village and Post
Office- Debagram-Anaipur via
Kirnahar, District- Birbhum, PIN
Code-731302

2. Santi Banerjee
Wife of Late Guruprasad Banerjee
residing at Village and Post Office-
Debagram-Anaipur via Kirnahar,
District- Birbhum, PIN Code-731302

... Applicants

-Versus-

1. Union of India
Service through the Secretary,
Department Of Post under Ministry of
Communication and Information
Technology, New Delhi-1.

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2. The Superintendent of Post Offices,
Birbhum Division, Post Office and
Police Station- Suri, PIN Code-731101

3. The Chief Post Master General
West Bengal Circle, Yogayog Bhawan,
Kolkata-700 012

4. The Circle Relaxation Committee
Service through the Chief Post Master
General, as Chairman
West Bengal Circle, Yogayog Bhawan,
Kolkata-700 012

5. The Assistant Director of Postal
Services (Rectt)
Having its office at the office of the
Chief Postmaster General, West
Bengal Circle, Kolkata-700 012

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1553/2018
MA No. 770/2018

Date of Order: 23.01.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Bikash Kumar Banerjee & Another –vs- D/o India Post

For the Applicant(s): Mr. S. S Ray, Counsel

For the Respondent(s): Ms. D. Nag, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.S.Ray, Ld. Counsel for the applicants, and Ms. D.Nag, Ld. Counsel appearing for Official Respondents, in extenso.

2. M.A.No. 770/2018 filed for joint prosecution of this case is allowed and disposed of.
3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) Directing the Respondent authority to consider the application of the applicant and place the same before the Circle Relaxation Committee within a particular period.

b) Directing the Circle Relaxation Committee to consider the case of the applicant and if found eligible, give appointment to your Applicant with immediate effect under Death In Harness Category and further direct to issue appointment letter to your Applicant within a reasonable time.

c) Directing the Respondent Authorities, particularly the Respondent No. 6, the Assistant Director of Postal Services (Rectt), herein to produce or cause to be produce the Original record before this Tribunal.

d) Costs

e) Any other or further order or orders to which the applicant may be found entitled by this Learned Tribunal.”

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4. At the outset, Mr. Ray submitted that after the death of the father of the applicant No.1, applicant No.2, wife of the deceased employee, applied for appointment in favour of her son, i.e. applicant No.1, under compassionate appointment quota on 22.02.2017 under Annexure-A/2 before Respondent No.2, who forwarded it to Respondent No.5 by a letter dated 18.07.2017 under Annexure-A/5. Subsequently, although several CRC meetings were held but applicants' case was neither considered nor any benefit of appointment was extended. Being disgusted, the applicant No.2 made another representation to the Chief Postmaster General, i.e. Respondent No.3, on 12.02.2018 and, thereafter although several rounds of CRC meetings were held but applicants' case was not considered. In order to ascertain the fate of the application for compassionate appointment, applicant No.1 preferred an application under RTI Act seeking certain information as well as status of the application made by her mother on 22.02.2017 and in reply to that the official Respondents informed the his case has been received at Regional Office on 15.05.2017 but without answering any other points raised in the said RTI application.

5. On being questioned as to how this Tribunal can entertain any petition, which is still lying under the purview of RTI, Mr. Ray submitted that instead of going into that intricacies, the grievance of the applicant may be satisfied if a direction is issued to Respondent Nos.3 and 5 to act upon the recommendation made by Respondent No.2 within a specific time frame and refer the case to the next CRC if applicant No.1 is otherwise eligible and for a final decision in this regard. I do not think that it will be prejudicial to either of the side if such an order is passed and, accordingly, without awaiting for reply and without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 3 and 5 to consider the letter sent by Respondent No.2 on 18.07.2017, with regard to the



representation of the applicant No.2, and if the case of the applicants are genuine and applicant No.1 is otherwise entitled to refer his case in the next CRC meeting and intimate the outcome of the said representation to the applicants within a period of three months from the date of receipt of copy of this order. If after such consideration the applicant No.1 is found to be eligible then expeditious steps be taken to grant him appointment under compassionate appointment quota. I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2, 3 and 5 for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS