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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

An Application under section 19 of the Central Administrative Tribunal Act,
1985 read with Rule 4 (5) (a) of the Central Administrative Tribunal
(Procedure) Rules, 1987;

Original Application No. 350/1371 of 2018

1. Sri. Punam Dey

Son of: Late Gouranga Chandra Dey, the
deceased employee who had been
working as Ex Mail man at R.M.S. "H"
Division, residing at: 461, Gokulpur,
P.O.: Kataganj, District: Nadia, West
Bengal, Pin - 741250.

2. Smt. Bela Dey, wife of Late
Gouranga Dey, the deceased employee
who had been working as Ex Mail man
at R.M.S. "H" Division, residing at: 461,
Gokulpur, P.O.: Kataganj, District:
Nadia, West Bengal, Pin - 741250;

..... Applicants

Versus

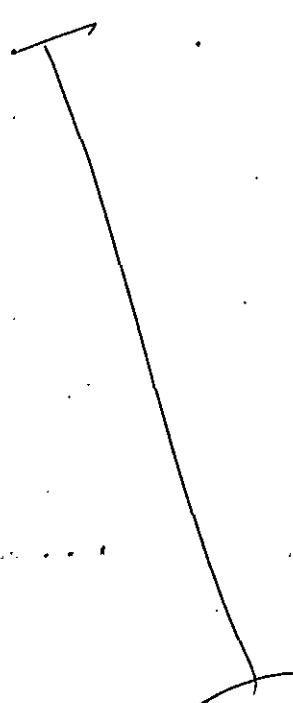
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1) Union of India, serviced through
the Secretary, Ministry of
Communication Dak Bhawan, Sansad
Marg. New Delhi, Pin-110001.

2) The Chief Post Master General,
West Bengal, Yogayaog Bhawan,
Kolkata, West Bengal Pin - 700012.

3) The Senior Superintendant,
R.M.S. "H" Division, Department of
Posts, India, Office of the Senior
Superintendant R.M.S. "H" Division,
Kolkata - 700004

..... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1371/2018
M.A.No. 674/2018

Date of Order: 24.12.2018

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

Punam Dey & Anr. -vs- UOI & Ors.

For the Applicant(s): Mrs. C.Dey, Ld. Advocate, on behalf of Mr. S.Barman, Counsel

For the Respondent(s): Mr. B.P.Manna, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mrs. C.Dey, Ld. Advocate, on behalf of Mr. S.Barman, Ld. Counsel for the applicants. Mrs. Dey submitted that although copies of the O.A. were sent to the authorities by post and notice has been sufficient but nobody appears today.

2. Mr. B.P.Manna, Ld. Counsel who usually appears for the Union of India, is present in the court and, on my advice, Ld. Counsel for the applicants has served copy of this O.A., along with annexures, on Mr. Manna as I do not want the Official Respondents to go unrepresented. Heard Mr. Manna in extenso.

3. M.A.No. 674/2018 filed for joint prosecution of this case is allowed and, accordingly, disposed of.

4. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) An order directing the respondents, their agents, subordinates and successors to and each one of them to act in accordance with Law and to pass an appropriate order so as to allow the prayer of your applicants for compassionate appointment of the applicant No.1 in relaxation of normal rules of recruitment since their family is indigent and deserves immediate assistance for relief from financial destitution and as

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such their prayer for compassionate appointment should be eligible and suitable in all respects under the provisions of the relevant Recruitment Rules.

b) To pass an order directing the respondents to transmit the entire records of the case to this Learned Tribunal and to certify them and on being so certified be considered so that concessionable justice may be administered by granting the relief for hereinabove;

c) An order prohibiting the respondents from proceeding with any action to disallow and/or turn down the appeal/prayer of your applicants."

5. The brief case of the applicants as enumerated by the Ld. Counsel is that the father of applicant No.1, Late Gouranga Chandra Dey, Ex Mail Man, RMS "H" Division died in harness on 25.11.2008. Thereafter, the applicant No.2, mother of the applicant No.1, as well as applicant No.1 himself made several applications since 2009 seeking compassionate appointment in favour of applicant No.1 in relaxation of normal rules but till date no action has been taken by the Respondents to provide compassionate appointment. Ld. Counsel for the applicants submitted that ventilating his grievance applicant No.1 has preferred representation on 17.08.2018 under Annexure-A/8 before the Respondent Nos. 2 and 3 but till date no reply has been communicated to him. She further submitted that the grievance of the applicants may be redressed, if the Respondent Nos. 2 and 3 are directed to consider the representation within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2 and 3 to consider the representation of the applicant under Annexure -A/8, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicants' grievance is found to be genuine and applicant No.1 is otherwise entitled and eligible then necessary expeditious steps may be taken to give him appointment



under compassionate ground within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

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

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

(A.K Patnaik)
Member (J)

RK/PS