

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01462/2016

Date of order: 21.2.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Nita Rani Mondal,
Wife of Late Rakhahari Mondal,
Ex-Postal Assistant,
Bankura, H.O., Aged about 62 years,

2. Madhusudan Mondal,
Son of Late Rakhahari Mondal,
Both are of Village - Susunia,
Post : Fulsusunia,
Via - Fulkusunia,
District - Bankura,
Pin - 722 162, West Bengal.

.. Applicant

VERSUS

1. Union of India
Service through the Secretary,
Government of India,
Ministry of Communication & IT
Department of Posts,
Dak Bhawan,
Parliament Street,
New Delhi - 110 001.

2. The Sr. Superintendent of Post Offices,
Bankura Dn.,
Bankura - 722 101,
District : Bankura.

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

.. Opposite Parties

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Ms. D. Nag, Counsel

hsl

O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) An order directing the respondents to consider the case of the applicant No. 2 for compassionate appointment in place & stead of his father, died in harness.
- (b) An order directing the respondents, to consider the representation of your applicants as case of died in harness under the Concessional Rules as per the existing statutory provisions as available.
- (c) An order directing the respondents, to transmit unto this Hon'ble Court the records of the entire proceedings, including the order and/or directions and/or decisions, if any, denying and depriving the applicant No. 2 from granting appointment under appropriate category as stated hereinabove so that conscientious justice may be administered to the applicants herein.
- (d) Any other order/orders, further order/orders as to this Hon'ble Tribunal seems fit and proper.

2. Heard both Ld. Counsel examined pleadings and documents on record.
3. The case of the applicants, as advanced through their Ld. Counsel, is that Rakshahari Mondal, the spouse of the applicant No. 1, and an employee with the respondent authorities, who expired on 9.12.2002, and thereafter, the applicant No. 1 had applied to the respondent authorities for compassionate appointment of her son, namely, applicant No. 2. Subsequently, it came to knowledge of the applicants in 2014, that, although CRC had taken up the request in their meeting dated 2.12.2005, the prayer was not approved as it did not come within their zone of consideration and an Advocate's notice was sent demanding justice from the respondents.

Ld. Counsel for the applicant fairly submits that the applicants would be satisfied if a direction is issued to the respondent authorities to consider their prayer in a time bound manner to which the Ld. Counsel for the respondents does not object, if the authorities are so directed to consider their prayer in accordance with law.

4. On examination of the records, however, we find that after rejection of their prayer by the CRC, the applicants had not made any further appeal or

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representation to the respondent authorities and only an Advocate's notice has been issued in this regard.

5. Accordingly, we grant liberty to the applicants to prefer a comprehensive representation in the form of an appeal on the decisions of the CRC held on 2.12.2005 within a period of three weeks from the date of receipt of a copy of this order and, once so received, the competent respondent authority, shall, thereafter take necessary action to dispose of such appeal/representation by once again placing the matter before the CRC and to communicate the decision to the applicants forthwith thereafter.

The entire exercise should be completed within a period of twelve weeks from the date of receipt of the representation/appeal from the applicants.

7. With these directions, the O.A. is disposed of.

No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

नन्दिता चतुर्जी