

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00565/17
With
MA/050/00148/19

Date of Order: 23.04.2019

C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Hemant Kumar, S/o Late Baidyanath Prasad Mahto, Village & PO- Jalalpur, Via- Baghara, District- Samastipur.

.... **Applicant.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the DG Cum Secretary, Department of Posts, Dak Bhawan, New Delhi- 110001.
2. The Chief Postmaster General, Bihar Circle, Patna- 800001
3. The Asstt. Director (Staff & Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna- 800001.
4. The Superintendent of Post Offices, Samastipur Division, Samastipur- 848101.

.... **Respondents.**

By Advocate: - Mr. M.D. Dwivedi

ORDER
[ORAL]

Dinesh Sharma, A.M:- The case of the applicant is that his mother had applied for appointment of the applicant on compassionate ground after the death of his father Late Baidyanath Prasad Mahto who died in harness on 18.11.2015 while holding the post of GDSMC in Jalalpur Branch Post Office, Via- Baghara Sub Post Office in Samastipur Postal Division. Their

request has been rejected by erroneously calculating his points as 19 against the cut off points of 36. The applicant has alleged that 20 points are to be given for two or more dependents but erroneously only 5 points have been given. He also does not possess any agricultural land and he should have been awarded 5 points for that. This has not been done. On these grounds the applicant has prayed for quashing the letter dated 28.12.2016 issued by the Estate Director Recruitment, Bihar Circle, Patna rejecting the claim of the applicant for his appointment on compassionate grounds. He has also requested for reconsidering the prayer of the applicant for his appointment by calculating correct points in accordance with rules and instructions.

2. The applicants have also enclosed decisions by this Tribunal in OA/050/00554/2016, OA/050/00078/2016, OA/050/00630/2015, OA/050/00203/2016 and OA/050/00123/2017. In all these cases the OAs were disposed of with a direction to the respondents to consider the case in the next CRC in terms of the rules relating to compassionate appointment.

3. The applicant has filed an MA in which he requested for disposing of his OA by taking into consideration an identical mater decided by this Tribunal in the case of Ravi Shankar Kumar (OA 199/2017).

4. The respondents have filed their written statement in which they have claimed that the OA is not maintainable in the eyes of law as well as on facts. They have stated that the points have been awarded after careful examination of the cases. His case was not recommended because

he could not obtain the minimum 36 points required for recommendation by the CRC.

5. The applicant filed a rejoinder in which he has reiterated his allegations mentioned in the OA.

6. We have gone through the pleadings and heard the arguments of the learned counsels of both the parties. The rules regarding compassionate employment, applicable to the dependents of deceased employees such as the applicant, now do not fix any time limit before which, or the number of times for which an application can be considered by the Department. In such a situation, a dependent may be considered for employment if he is more indigent than the other applicants in the relevant year. I, therefore, dispose of this OA with a direction to the applicant to apply again before the concerned authority if he so desires and he is still living under indigent condition. The respondent authorities will consider his case under the rules, against the vacancies available for such compassionate appointment in the year of application if, following their weightage point system, there are no other persons more eligible than the applicant. The OA and MA are disposed of accordingly. No order as to costs.

**[Dinesh Sharma]
Administrative Member**

Srk.