

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS: BILASPUR

Original Application No.203/00170/2018

Bilaspur, this Wednesday, the 03rd day of April, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Jaydev Shil
Son of Sukhranjan Shil
aged about 23 years,
resident of P.V. 23 Lakanpur,
Tahsil Kanker,
District North Bastar
Kanker (C.G.)
Pin No.494776 M. 9479110184

-Applicant

(By Advocate-**Shri D.N. Prajapati**)

V e r s u s

1. Union of India,
Through the Secretary,
Ministry of Communications,
Department of Posts (SPB-I/C Section)
Dak Bhavan Sansad Marg,
New Delhi 110001

2. The Section Officer, (SPB-I/C Section)
Dak Bhavan, Sansad Marg, New Delhi 110 001

3. The Assistant Director (Staff)
Chhattisgarh Circle, Raipur (C.G.) 492001

4. The Dak Superintendent Bastar Division
Jagdalpur 494001

- Respondents

(By Advocate- **Shri Vivek Verma**)

O R D E R (Oral)
By Navin Tandon, AM:-

The applicant is aggrieved that his case for compassionate appointment has been rejected by the respondent department vide letter dated 07.01.2014 (Annexure A/1).

2. The undisputed facts of the case are that:-

2.1 The father of the applicant was working as Gramin Dak Sevak (GDS) w.e.f.27.08.1982 and left for heavenly abode on 06.12.2010. He had 6 years and 9 days left to retire on superannuation on 15.06.2017.

2.2 The family of the deceased consists of wife aged 43 years, one married son aged 27 years and one unmarried son aged 18 years 11 months (applicant). The elder son of the deceased is married and living separately.

2.3 The respondent-department has issued the Scheme for engagement of GDS on compassionate grounds as per their communication dated

14.12.2010 which has further been modified on 09.03.2012 (Annexure R/1 colly.).

2.4 The applicant has been awarded 49 merit points (Annexure R/3) as per the scheme.

2.5 The claim of the applicant for compassionate appointment has been rejected by the respondent-department vide their letter dated 07.01.2014 (Annexure A/1) as he does not possess more than 50 merit points.

3. The applicant has prayed for the following reliefs:-

“8.1 That, this Hon’ble Tribunal may kindly be pleased to call for entire records of the case, from the respondents.

8.2 That, this Hon’ble Tribunal may kindly be pleased to set aside/quash the impugned order dated 07.01.2014 and further be pleased to direct the respondent authorities to give appointment to the petitioner, in accordance with law.

8.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the application may be given.”

4. Heard the learned counsel for both the parties and perused the pleadings attached with the O.A.

5. It is the case of the learned counsel for the applicant that the applicant was earlier awarded 57 merit points (Annexure R/3) which has been corrected to 49 merit points, which is a malafide exercise on the part of the respondents. He further submits that it has been brought down to one point below the consideration level so the applicant cannot be given compassionate appointment.

6. Learned counsel for the applicant submits that the applicant is 12th class pass and is qualified for being appointed as Gramin Dak Sewak.

7. Learned counsel for the respondents took us through the Scheme of Compassionate Appointment (Annexure R/1). He further explained the awarding of points to the applicant (Annexure R/3). The correction which have been made by the Authority were for

(i) the number of dependents which were earlier shown as three (03) were corrected to two (02) dependents as one of the elder brother of the

applicant is married and living separately. Hence, marks awarded were changed from 10 to 7.

(ii) For discharge benefits i.e. Ex-gratia gratuity, severance amount, service discharge benefits under NPS lite and group insurance benefits received by family, the applicant was earlier awarded 20 marks, which was corrected to 15 marks. The amount received was Rs. 115821, which falls in the range “below Rs. Rs.150000 but above 75000/-“ is as per Para 2 (c) of the Scheme dated 09.03.2012 (Annexure R/1).

8. The recommendations of the CRC meeting have been annexed as Annexure R/2 wherein the case of the applicant has not been considered as he had secured 49 merit points. Further it is also seen that three candidates who were recommended for selection have secured 70, 71 and 81 merit points respectively.

9. From the above, we find that the points have been correctly awarded to the applicant.

10. From the foregoing, we do not find any malafide action on the part of the respondents against the applicant.

11. Accordingly, this Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc