

Central Administrative Tribunal
Patna Bench, Patna.
[Circuit Bench at Ranchi]

O.A 51/475/2018

Date of Order:- 18.12.2018

C O R A M

Hon'ble Shri J. V. Bhairava, Member [J]

Anil Kumar Mahto, s/o Late Nilkanth Ram Mahto, Ex-GDSBPM, aged about 25 years, AT & PO-Kanjkiro, via-Bokaro Thermal-829107, PS-Penk Narainpur, District-Bokaro, Jharkhand.

....Applicant

By Advocate : Shri Rajendra Prasad.

Vs.

1. The Union of India through the Secretary (Post), Postal Service Board, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General, Jharkhand Circle, PO & PS-Doranda-834002, District- Ranchi, Jharkhand.
3. The Director, Postal Service, Jharkhand Circle, PO & PS-Doranda-834002, District- Ranchi, Jharkhand.
4. The Asstt. Director of Postal Services (Personnel), Jharkhand Circle, PO & PS-Doranda-834002, District- Ranchi, Jharkhand.
5. The Superintendent of Post-Offices, Giridih Division, PO & PS & District-Giridih-815302, Jharkhand.
6. The Inspector posts, Gomia Sub Division, PO & PS-Gomia-829111, District-Bokaro, Jharkhand.

..... Respondents.

By Advocate : Smt. Babita Bharti.

O R D E R (ORAL)

Per J.V. Bairavia, M [J] :- In the present case, it is contended by the applicant that his father late Nilkanth Ram Mahto died in harness on 02.02.2012 while he was working as GDSBPM at Kanjkiro BO in account with Bokaro Thermal

SO under Giridih Division living behind widow and the son i.e. applicant herein and married daughter. After the death of his father, the applicant has submitted an application for appointment on compassionate ground. The same was considered by the respondents Department in accordance with the scheme for engagement of a dependent of deceased GDSBPM on compassionate ground. The said scheme was invoked on 17.12.2015.

2. The claim of the applicant was placed before the CRC on 24.08.2016. The case of the applicant was considered and applicant was awarded 26 point which was less to the cut off of 36 point and, therefore, vide letter dated 07.09.2016, the respondents have informed the applicant that the CRC has not recommended his case (Annexure A/2).

3. The counsel for the applicant mainly contended that the applicant is unemployed and in fact he has no independent source of income. However, the Welfare Officer had stated while filling-up the application for compassionate appointment that the family has income of Rs. 20,000/- from agriculture and Rs. 35,000/- from other sources. The total income Rs. 55,000/- has been recorded on the basis of income certificate issued by Circle Officer, Nawadiah, Bokaro dated 13.07.2012.

4. It is the case of the applicant that in fact under the scheme for CGA, the respondents has ought to have verified the individual income of earning members of the family. If the same was considered by the respondents then the applicant is entitled to receive more point under the heading of income of earning member of the family and he could have earn more point then the point 2 was given by the respondents. It is further contended that though the applicant and his mother are residing in a kachcha house and according to the scheme, the dependent family member should possess the kachcha house needs to be awarded more point. However, without verifying the actual status of immovable property, the respondents have not awarded correct point under the heading of own agricultural land and house. As per policy, for kachcha house, 3 point required to be awarded but the same has not been considered and granted to the applicant. It is the case of the applicant that the respondents have not correctly assess the case of the applicant in terms of the scheme for CGA and erroneously awarded 27 points which is less then the cut off of 36 point. If the respondents have considered the case of the applicant after thorough verification of the details then he could have earn more point. Therefore, the applicant has prayed for a direction to the respondents for re-consideration of his case for CGA.

5. On the other hand, respondents have filed their W.S. and denied the contention of the applicant. Learned counsel for the respondents submitted that the respondents have considered the case of the applicant as per the details provided by him in his application and applicant has also provided his income certificate issued by Circle Officer along with his application and on the basis of the said certificate, it was found that applicant has yearly income of Rs. 20,000/- from agricultural land and Rs. 35,000/- from other sources. Considering the said earning of family per annum and as per policy/scheme, the slab for family earning Rs. 4500 to 5500, 2 point required to be granted. Accordingly, considering the monthly income of the applicant between the said slab, 2 point has been granted to the applicant. Therefore, it is not correct on the part of the applicant that his case was not considered in accordance with the scheme. The case was assessed properly since he has received only 27 points which was less than 33 point, his case was regretted and also informed that the case will not be re-opened.

6. Against the said submission of the respondents, the applicant has filed his rejoinder and reiterated his contention. Additionally, learned counsel for the applicant submits that in a similarly situated persons, their claim has been re-considered by the respondents. Therefore, the case of the applicant is also required to be re-considered. He has

also placed reliance of the order passed by the CAT, Hyderabad Bench in OA1185/2016 decided on 28.11.2018 and OA 221/2016 decided by this Bench of the Tribunal on 18.09.2017 and submitted that since he has demonstrated that he has no independent income, therefore, he is entitled to receive more points than the points awarded by the respondents in their decision dated 07.09.2016 (Annexure A/2).

7. Heard the parties and perused the material on record. It is noticed that as per the scheme for engagement of deceased GDS on compassionate ground dated 17.12.2015, the claim of the applicant for CGA was considered. The applicant has stated on oath before the authority by filing separate affidavit that he possesses kachcha house (full and not partial). Therefore, the said fact needs to be verified by the competent authority for the purpose of assessment of his case for CGA and particularly for grant of appropriate points under the same heading. It is also stated by the applicant that in fact he has no independent income since he is unemployed. Therefore, the said fact also required to be verified whether the applicant has independent income or not being earning member of the family. I have perused the orders relied upon by the applicant wherein the submission for re-consideration of the case for erroneous assessment of claim was found and,

accordingly, respondents were directed to re-consider the case. In the present case, it is noticed that the applicant had submitted before the respondents authority that he possess the immovable property in form of kachcha house which has not been properly verified by the authority. There is a certificate on record which indicate that the applicant possess kachcha house. The said affidavit was filed by the widow of the deceased employee. Therefore, considering the over all facts and circumstances of the present case, I am of the considered opinion that case of the applicant deserves to be re-considered by the respondents. Accordingly, respondents are directed to re-consider the claim of the applicant for CGA by verification of dependent family of late employee without influence of earlier assessment and decision. Respondents are further directed to place the case of the applicant before the next CRC.

8. In view of the above direction, the OA id disposed of.

[J. V. Bhairavia]
Member (J)

Pkl/

