

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Dated: This the 30th day of August 2019

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No.330/1035 of 2017

Bandana Singh D/o Rajendra Bahadur Singh, Resident of Village & Post
Raghunathpur (Parasrampur), District Basti

..... Applicant

By Adv: Shri K.K. Singh

V E R S U S

1. Union of India through its Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Union of India through its Director, Department of Post Dak Bhawan, Parliament Street, New Delhi.
3. Chief Post Master General, U.P Region, Lucknow 226001.
4. Superintendent of Post Office, Basti Region, Basti.

..... Respondents

By Adv: Shri L.M. Singh

O R D E R

1. The present O.A. has been filed by applicant Bandana Singh seeking following reliefs:-
 - "(a) To quash the impugned communication order dated 21.04.2017 passed by the respondent No.4, Superintendent of Post Office, District Basti (Annexure No. A-1 to this O.A).
 - (b) To call for impugned order dated 13.04.2017 passed by respondent No.3, Chief Post Master General, U.P Region, Lucknow 226001 and to quash it.

- (c) To issue an order or direction to the respondents directing them to give employment to the applicant on compassionate ground from the command of this Hon'ble Tribunal.
- (d) To grant any other relief which may be fit and proper under the circumstances of the case and in the interest of justice.
- (e) Award the cost of the application to the applicant".

2. Case of applicant Bandana Singh is that on death of her mother Smt. Gayatri Singh on 29.02.2016 while working as Gramin Dak Sevak in the respondents department, applicant filed an application for appointment on compassionate ground, which was rejected by respondent No. 3 heading the C.R.C. vide impugned order dated 21.04.2017 (Annexure A-1). It is the case of applicant that the impugned order deserves to be set aside since it is a non-speaking order and does not disclose the details of the merit points regarding her appointment and which merit points are to be calculated as per the scheme of compassionate appointment dated 20.01.2010 issued by the respondents department. It is applicant's case that the respondents have wrongly calculated the 17 merit points awarded to her, which is much below 36 merit points which as per the department is required for being considered for engagement on compassionate ground and that the respondents have not mentioned in the impugned order as to under which category the merit points were awarded individually.

3. It has been further averred in the O.A. that the respondents have incorrectly calculated her merit points regarding which she has given the details in the O.A. Hence, the present O.A.

4. In their counter affidavit, it has been averred that the impugned order has been passed in accordance with the Rules laid down in the scheme for compassionate appointment. It is also the case of respondents that as per the documents placed on record by the applicant, her father Rajendra Bahadur Singh is a Government employee as such she could not be dependent upon the deceased Gayatri Singh. It is also the case of respondents that applicant is not

dependent upon her deceased mother for her sustenance. Hence, the O.A. deserves to be dismissed.

5. I have heard and considered the arguments of learned counsels for the parties and perused the pleadings on record.
6. Applicant disputes the calculation of merit points calculated by the respondents while rejecting her case and has given a chart in the rejoinder affidavit which according to her reflects the correct merit points which should have been awarded to her and would have been appointed on compassionate ground. On the other hand, respondents case is that the merit points have been correctly calculated and it has been submitted by learned counsel for the respondents that applicant is not dependent upon the deceased employee Gayatri Singh since applicant is married woman and no averment has been made regarding her husband upon whom she is deemed to be the dependent.
7. Looking to the limited dispute between the parties, i.e. whether correct merit points of the applicant were calculated or not, in the interest of justice, the impugned order dated 21.4.2017/13.4.2017 is set aside and respondents are directed to reconsider the case of applicant with regard to merit points in the next C.R.C. meeting and take into consideration the chart of merit points given by the applicant in her rejoinder affidavit and also keep in mind the criterion laid down in the scheme and pass reasoned and speaking order in accordance with law and scheme for compassionate appointment as applicable to the respondents department with intimation to the applicant within a period of 2 months from the date of receipt of a certified copy of the order.
8. In view of the above, the O.A. is disposed of. No order as to costs.

(RAKESH SAGAR JAIN)
Member (J)

Manish/-