

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.NO.060/01315/2018 Orders pronounced on: 25.07.2019
(Orders reserved on: 04.07.2019)

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Harjit Kaur
wife of late Sh. Parveen Kumar,
Aged 44 years,
Resident of VPO Bahrowal, via Bang, SBS Nagar,
Jalandhar, Punjab-144001 (Group D).

.... Applicant

Versus

1. Union of India through the Secretary,
Government of India,
Ministry of Telecommunications & Information Technology,
Department of Posts,
New Delhi-110001.
2. Chief postmaster General, Punjab Circle,
Department of Posts,
Sandesh Bhawan, Sector 17-E,
Chandigarh-160017.
3. Assistant Postmaster General (Staff),
Punjab Circle,
Sector 17-E,
Chandigarh-160017.

.... Respondents

Present: **MR. ROHIT SHARMA, ADVOCATE, FOR APPLICANT.**
MR. SANJAY GOYAL, ADVOCATE, FOR RESPONDENTS.

ORDER
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

In this Original Application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought QUASHING OF ORDER DATED 7.11.2017 (Annexure A-1) and 2.9.2016 (Annexure A-1/1), vide which her claim for appointment on compassionate grounds has been rejected and for issuance of direction to the respondents to re-consider it.

2. The facts are not largely in dispute. The husband of applicant, working as GS/MD attached with Banga Sub Post Office expired on 19.10.2011 and applicant was appointed as EDM/S vice him on temporary basis and continues to work as such till date. She submits that she has no source of income except meager salary and has two daughters to support, out of whom one is handicapped. Her case was considered and rejected vide letter dated 2.9.2016 (Annexure A-1) on the ground that though she has earned 105 merit points, but since she is 5th class pass only, so she cannot be appointed as GDS. Meanwhile, the applicant had passed matriculation Examination from Punjab School Education Board in September, 2015. However, report qua this was submitted in 2017 but claim of applicant was rejected vide order dated 7.11.2017 (Annexure A-1), on the ground that cases rejected by CRC are not to be reopened. Hence, the O.A.

3. The respondents have filed a detailed reply. They submit that compassionate appointment has to be considered on application of the relative merit points in hard and deserving cases only subject to the availability of the vacancy for the purpose and fulfillment of terms and conditions of the GDS post. The Department has devised a system of allocation of points to various attributes based on a

hundred point scale. As per instructions dated 14.1.2015 (Annexure R-3), Secondary School Examination pass certificate of 10th Standard conducted by any recognized Board of School Education in India is mandatory educational qualification for all approved categories of GDS. The case of applicant was considered as per information provided by her in 2014 and her case was rejected as she did not fulfill criteria of educational qualification. She submitted her matriculation pass certificate only after rejection of her case and as such her case cannot be re-opened now, in view of instructions dated 30.5.2017 (Annexure R-9), which clearly provides that cases which have already been settled will not be reopened.

4. Learned counsel for applicant argues that case of the applicant deserves acceptance as she was admittedly matriculate at the time of consideration of her case but on the other hand learned counsel for respondents submits that applicant herself did not submit/provide the certificate for consideration and as such her case was rejected by the CRC, which cannot be reopened now.

5. I have considered the submissions minutely.

6. It is not in dispute that the case of the applicant was considered for compassionate appointment along with others on the basis of a criteria adopted for all cases across the board, and on such consideration and as per information provided by the applicant herself in 2014, it was rejected as she did not have 10th class pass certificate and CRC rejected her case on the ground that she did not fulfill the requisite criteria of qualification of Matriculation for GDS post and as such there is no fault in action of the respondents in rejecting her case as she has to blame herself for this fiasco. At relevant point of time in 2014, when applicant submitted her

application, she was not matriculate. The CRC held its meeting on 24.6.2016 and when her case was rejected vide order dated 2.9.2016, she submitted a representation on 20.8.2017, that she has passed Matriculation Examination. In these circumstances, one cannot find any fault with action of respondents in rejecting her claim as she herself had not submitted proof of being matriculate prior to 24.6.2016, when CRC held its meeting. If such consideration are allowed to be opened up and reviewed, then there would not be any end to this process.

7. In the wake of aforesaid discussion, this O.A. turns out to be devoid of any merit and is dismissed accordingly. No costs.

**(SANJEEV KAUSHIK)
MEMBER(J)**

PLACE: CHANDIGARH
DATED: 25.07.2019

HC*