

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 754 of 2014

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)

Gunjan Kumar Mahanta, aged about 26 years, S/o Late Iswar Chandra Mahanta, Vill/Post- Purunapani, Via-Bahalada, Dist- Mayurbhanj-757046.

.....Applicant

VERSUS

1. Union of India, represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda-751001.
3. Superintendent of Post Offices, Mayurbhanj Division, At/PO-Baripada, Dist-Mayurbhanj, Odisha-757001.

.....Respondents.

For the applicant : Mr.N.R.Routray, counsel

For the respondents: Mr.C.M.Singh, counsel

Heard & reserved on : 16.8.2019 Order on : 20.8.2019

ORDER

Per Mr.Gokul Chandra Pati, Member (A)

The applicant's father expired on 14.2.2008, while in service under the respondent-department. The applicant applied for appointment on compassionate grounds (in short ACG), but his case had been rejected by the CRC on 24.11.2010. The applicant filed the OA No. 726/2012, which was disposed of with direction to the respondents to consider the case of the applicant. His case was considered again by the respondents and rejected vide order dated 25/26.2.2013 (Annexure-A/3), which is impugned in this OA, filed for the following reliefs:-

"In view of the facts stated above, it is humbly prayed that the Hon'ble Tribunal may be graciously pleased to quash Annexure A/3 and direct the respondents to reconsider the case of applicant for providing compassionate appointment in any post, after taking into consideration the liability regarding mentally retired brother and widow grandmother.

And any other order(s) as the Hon'ble Tribunal deems just and proper in the interest of justice.

And for this act of kindness, the applicant as in duty bound shall remain ever pray."

2. Counter filed by the respondents states that the applicant's case was considered by the CRC on 24.11.2010, but his case could not be considered as he had 43 merit points, whereas the last person who was recommended for appointment had 64 merit points. His case was again considered by the CRC on 11.1.2013 and on 14.1.2013 again his case was not recommended due to less merit points. It is further stated that as per the guidelines on the points for

ACG, there is no additional points for having mentally retarded or for widowed grandmother. The averment in the OA that his merit point would have been 25 points higher if the mentally retarded brother and widow grandmother are considered has been denied.

3. No Rejoinder has been filed by the applicant. The matter was heard on 16.8.2019 when learned counsels for the applicant stressed on the averment relating to additional points on account of the fact that the applicant had a mentally retarded brother and old grandmother. Learned counsel for the respondents submitted that the guidelines of the respondents do not permit any additional marks for the mentally retarded brother and grandmother of the applicant. It was pointed out that for the dependents, the applicant has been given the highest marks i.e. 15.

4. The applicant had filed one MA for condoning the delay in filing the OA. The said MA was considered and the delay in filing the OA was condoned vide order dated 21.11.2014 of this Tribunal. In the impugned order dated 25/16th February, 2013, the reasons mentioned for not recommending the case of the applicant for appointment on compassionate ground were that during reconsideration of his case by CRC on 11.1.2013, his case could not be recommended as his merit point was 43 where as the last person who was recommended had got 64 merit points. When his case was again considered by the CRC on 14.1.2013 alongwith other candidates, he could not be recommended due to low merit score of 43 as against the score of 84 of the last person recommended for appointment. The averments in the Counter are also along the similar lines.

5. In view of the above, it is clear that the applicant was given a merit score which was not enough to justify his appointment on compassionate ground. There is nothing in the pleadings of the applicant to show that the family is suffering from acute financial problems due to sudden death of the applicant's father, which is necessary to justify the compassionate appointment. Further, as per the instructions of the respondents dated 20.1.2010 (Annexure-R/1), there is no provision of award of additional merit point on the ground of a mentally retarded dependent brother and for widow grandmother. Therefore, the grounds mentioned in the OA are not adequate enough to justify any interference in the matter.

6. The OA is accordingly dismissed. There will be no order as to cost.

(GOKUL CHANDRA PATI)

MEMBER (A)

I.Nath

