

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/520/2017

Date of Reserve:19.06.2019

Date of Order:26.08.2019

CORAM:

HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Shri Bhupesh Digal, aged about 36 years, S/o. Late Bedesi Digal, Ex-spm, Panjisahi, Phulbani Division, At/Post-Kalinga, Bungala Street, District-Kandhamal.

...Applicant

By the Advocate(s)-M/s.G.K.Behera
D.R.Mishra

-VERSUS-

Union of India represented through:

1. The Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. The Chief Post Master General, Odisha Circle, Bhubaneswar-751 001, Dist-Khurda.
3. The Postmaster General, Berhampur Region, Bhubaneswar-760 001, Dist-Ganjam.
4. The Superintendent of Post Offices, Phulbani (O), Division, Phulbani-762 001.

...Respondents

By the Advocate(s)-Mr.S.Behera

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has sought for the following reliefs:

- i) Hold/declare that Office Letter No.B/G-82/Ch.I dtd. 03.12.2009 and Office Letter No.CRC/17-RO-BF-03/2009 dtd. 03.11.2009 under Annexure-A/6(i) & (ii) is not recommending the case of the applicant for compassionate appointment in relaxation of normal recruitment rules is bad & illegal.
- ii) Direct the respondents to consider the case of the applicant for compassionate appointment in relaxation of normal recruitment rules immediately.
- iii) And pass any such other order(s) as may be deemed fit and proper in the bona fide interest of justice.

2. Shorn of unnecessary details, it would suffice to note that the applicant's father while working as SPM, Panjisahi SO under Phulbani Division passed away on 23.03.1998 leaving behind his mother, wife, two sons and one daughter. Applicant's case for compassionate appointment was considered by the CRC held on 25.11.1999 in the post of Postman/Mailguard vide Office Memo dated 08.12.1999. However, the respondents sat over the matter and did not provide him employment assistance. Thereafter, the respondents sought for willingness of the applicant to be considered in any other Ministry/Department and accordingly, he so submitted. Since, the applicant was not provided with compassionate appointment, he had approached this Tribunal in O.A.No.102 of 2009 and this Tribunal vide order dated 28.07.2009 disposed of the said O.A. with direction to Respondent Nos. 2 & 4 to consider the case of the applicant within 45 days from the date of receipt of the order. While the matter stood thus, the applicant received two letters dated 03.11.2009 and dated 07.12.2010. Letter dated 03.11.2009 has been issued by the respondents in compliance with the direction of this Tribunal in O.A.No.102 of 2009, in which it has been stated as follows:

"The case of the applicant was reconsidered by the CRC held on 3.11.2009 against the available vacancy in Postman/Mail Guard cadre. After the last CRC, the present CRC could be held on 3.11.2009 as vacancies were cleared by the Directorate in August 2009 and all case could be processed only thereafter. It was seen by the CRC that the applicant has no liability and his condition is not as indigent in comparison to other cases recommended by the CRC. Hence the case has been considered and not recommended"

In view of the above, the case is considered and rejected by the CRC".

3. Letter dated 7.12.2010 mentions that the Circle Relaxation Committee met on 24.11.2010 to consider the compassionate cases against the vacancies in PA/SA and Postman cadre for the year 2009 and as it appears, the names of

the candidates mentioned therein except the applicant, have been recommended for appointment in PA/SA/Postman cadre.

4. Aggrieved with this, the applicant has approached this Tribunal seeking for the reliefs as aforementioned.

5. Opposing the prayer of the applicant, respondents have filed a detailed counter. It has been pointed out that the applicant's case had been approved for compassionate appointment in the Postman/Mailguard cadre by the CRC held on 25.11.1999. Vide Memo dated 8.12.1999, it was intimated that the applicant should clearly understand that his appointment will be subject satisfactory verification of required documents and availability of vacancy in compassionate quote in accordance with DG(P) letter dated 16.12.1997. As per the policy decision of Government of India, the waiting list of candidates approved for compassionate appointment was discontinued during 2001. The applicant, was therefore, asked to submit his willingness or otherwise to serve in other Ministry/Department other than the Department of Posts, in response to which, he submitted his application which was duly forwarded. In the meantime, as per the instruction of Directorate for one time absorption of all wait-listed candidates of the discontinued panel, the applicant was asked to submit his willingness. In response to this, the applicant vide his application dated 18.09.2001 stated that he is not interested to work as GDS and declined the offer. The applicant applied for appointment in GDS post on 26.07.2004 and since the time limit for appointment to GDS post had expired on 24.07.2003, his applicant for appointment to GDS post was considered by the CPMG, but the same was rejected as time barred.

6. Heard the learned counsels for both the sides and perused the records. I have also gone through the Minutes of the CRC meeting held on 3.11.2009. It

appears that the name of the applicant finds place at Sl.No.51 and the CRC while considering his case for appointment on compassionate ground against the post of Postman cadre came to the findings as follows:

“The applicant has no liability and his condition is not as indigent in comparison to other cases recommended by the present CRC, hence, the case has been considered and not recommended”.

7. Be that as it may, there is no bar for the respondents to reconsider the case of the applicant for compassionate appointment in any other vacancy than SA/PA/Postman/Mailguard, which the respondents had earlier offered to the applicant. In view of this, I direct the Respondents, particularly, Respondent No.2 to reconsider the case of the applicant for compassionate appointment against the post of GDS in the Department subject to other conditions of the Scheme during the next CRC and pass appropriate orders in the light of the extant rules and instructions on the subject.

8. With the above observation and direction, this O.A. is disposed of. No costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

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