

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00022/2018

Date of order: 28.8.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Kumari Swapna Nath,
Daughter of late Satkari Nath,
And daughter of Late Renuka Nath,
Resident of Village and Post Office - Duillya,
Police Station - Sankrail,
District - Howrah,
Pin - 711 302.

... Applicant

- V E R S U S -

1. Union of India,
Represented by the Secretary,
Department of Post and Telecommunication,
Government of India,
New Delhi,
Pin - 110 011.
2. The Chief Post Master General,
West Bengal Circle,
Kolkata - 700 012.
3. The Senior Superintendent of Post Office,
Howrah Division,
Howrah - 711 101.
4. The Senior Post Master,
Howrah,
Head Post Office,
Howrah.

... Respondents

For the Applicant : Mr. D. Majumdar, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunal praying for the following relief:-

“ The applicant prays for assignment of duty or work in the post of Postman on Leave vacancy in the Howrah Head Post Office and to issue directions and orders to the respondents, more particularly to the respondent No. 4 to allow duty to the applicant on leave vacancy in the post of postman as was earlier given, considering the present facts and circumstances.”

2. Heard both Ld. Counsel, examined pleadings, documents on record.

3. The submission of the applicant, as made through her Ld. Counsel, is as follows:-

The applicant's father was a Postal Clerk at Howrah Head Post Office and he died at the age of 47 years. Her mother, who was also a Postal Peon in the same office, died at the age of 50 years. The applicant, who is a Matriculate from the Secondary Board of Education, West Bengal, was engaged in leave vacancy (or whenever the regular employees remained absent) as a Postal Peon in Gr. 'D' as a Daily Rated Majdoor and had been working continuously from 2009 till 2013 after which she was asked not to attend her duties any further. The applicant's prayer for compassionate appointment was rejected by the respondent authorities on the ground that her elder sister is the recipient of family pension and accordingly, relying on the judicial decision in the following matters:-

(i) ***Chandan Kr. Ghosh v. State of Tripura***

AIR 1987 SC 2342

(ii) ***Jacob M. Puthuparambil & ors. v. Kerala Water***

Authoirty & ors. AIR 1990 SC 2228

hch

(iii) **All India Reserve Bank Retired v. Union of India & ors.**
AIR 1992 SC 767,

the applicant has approached the Tribunal, praying for the
aforementioned relief.

4. During hearing, Ld. Counsel for the respondents would furnish to
us an instruction from the respondent authority wherein it was stated as
follows:-

“ Department of Posts, India
O/o the Sr. Supdt. Of Pos, Howrah Division, Howrah-711101

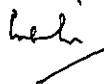
Ref.: xxxxxxxxxxxxxxxxxxxx

With reference to the above, it is stated for kind information that one proposal
of Sri Sudhakar Nath, brother of Smt. Swapna Nath for compassionate
appointment was lying pending with simultaneous claim for compassionate
appointment preferred by Smt. Swapna Nath vide her representation dtd.
07.05.2013. Competent authority has informed that the proposal of
compassionate appointment of Sri Sudhakar Nath has not been considered. The
claim of Swapna Nath may be entertained for which fairly typed synopsis in
favour of Swapna Nath may be submitted by taking cut off as date of death of
ex-employee (i.e. 24.6.1998) along with relevant supporting documents so that
the same may be placed before the competent authority. Xxxxxxxxxx

Sr. Supdt. Of Posts
Howrah Dn Howrah - 711 101”

5. Ld. Counsel for the respondents, hence, submits that the O.A. can
be disposed of with a direction on the respondent authorities to consider
the prayer of the applicant for compassionate appointment, subject to
availability of vacancies and the fact that the applicant has to prefer her
prayer for compassionate appointment along with all requisite
documents to satisfy her claim in this regard.

6. Accordingly, with the consent of the parties, we dispose of this O.A.
by according liberty to the applicant to prefer a comprehensive
representation supported by requisite documents within a period of four
weeks of receipt of a copy of this order.



In the ¹event such representation is received, the respondent authorities shall, thereafter, consider the same in accordance with law subject to availability of vacancies.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

