

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/393/2019
M.A.350/223/2019

Date of order : 10.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihsial, Administrative Member

1. Dipak Kr. Biswas,
Son of late Sijit Kumar Biswas,
Aged about 34 years,
Working as Lift operator, Asansol. Head Office,
Residing at Vivekananda Pally, Ismile West,
Post Office – Asansol,
District – Paschim Burdwan, Pin 713301.

2. Kanan Biswas,
Wife of late Sijit Kumar Biswas,
Aged about 57 years,
Residing at Vivekananda Pally, Ismile West,
Post Office – Asansol,
District – Paschim Burdwan, Pin 713301.

..... Applicants.

- Versus -

- (i) Union of India,
Service through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
New Delhi 100 001.

- (ii) The Chief Post Master General,
Yogayog Bhavan,
C R Avenue,
Kolkata 700012.

- (iii) The Asstt. Director of Postal Services-I,
S B Region,
Kolkata 700 012.

(iv) The Senior Superintendent of Post Offices,
Asansol Division, 713301.

..... Respondents.

For the applicant : Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For the respondents : Mr. R. Halder, counsel

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

M.A. 350/223/2019

M.A.350/223/2019 is filed to permit the applicants to join in the same O.A. The applicants are mother and the son of the deceased employee and they are pursuing the same relief.

Therefore, the M.A. is allowed.

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2. One, Sujit Kumar Biswas was employed as Lift Operator in the Department of Posts, Ministry of Communication and was working in the office at Asansol. He died while in service in the year 2008. The first applicant is the son of the deceased employee and he made an application with a request to appoint him on compassionate grounds. It was considered by the committee constituted for the purpose, in the meetings held on 02.08.2016 for the year 2015-2016 and on 27.06.2017 for the year 2016-2017. On finding that the applicant did not secure adequate marks in the process of evaluation, a letter dated 18.05.2018 was issued stating that his case would be considered in the next CRC



meeting. The applicants have challenged the said communication and other steps taken by the respondents.

3. We heard Mr. A. Chakraborty leading Ms. P. Mondal, Id. counsel for the applicants and Mr. R. Halder, Id. counsel for the respondents at the stage of admission.

4. The first applicant is the son of the deceased employee and the second applicant is the wife of the deceased employee. The scheme of providing employment to the dependents of the employees who died while in service, is in force in the department. The application submitted by the first applicant was in fact considered by the CRC which was constituted for the purpose in relation to the vacancies referable to the years 2015-2016 and 2016-2017 and the meetings were held on 02.08.2016 and 27.06.2017 respectively. The respondents adopted a system of awarding marks for various aspects reflecting the status of the family and the eligibility of the applicants. In that process, the applicant was awarded 55 merit points, whereas the candidates recommended for appointment on compassionate ground were awarded 68 and 64 merit points respectively for the years 2015-2016 and 2016-2017.

5. Id. counsel for the applicants submits that the death of the employee took place in the year 2008 and by that time the system of awarding points was not in vogue and in that view of the matter, the respondents were not justified in applying that. We find it difficult to accept this contention. The reason is that, the phenomenon of



appointment of persons on compassionate ground into Government services is not provided under any statutory rules. It is only a system, evolved on the basis of instructions issued by the courts. Since the applications of that nature were pouring in abundance, the departments had to evolve objective criteria to be followed in the process of selection. Once the objective is to ensure transparency, the question of its being identified with reference to any particular time does not arise. It should not be forgotten that the system is being operated for the exclusive benefit of the dependents of deceased employees even while millions of highly qualified youngstars are languishing without employment.

6. In all fairness to the applicants, the respondents have stated that their case would be considered in the next meeting of the CRC. We do not find any ground to interfere with the impugned order.

7. We dispose of this O.A. by directing that the respondents shall consider the case of the first applicant as mentioned in the impugned order. There shall be no order as to costs.

(N. Neihsial) V
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman