

LIB

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, CAMP AT NAGPUR**

**ORIGINAL APPLICATION No.211/00043/2017**

**Dated this Friday, the 26<sup>th</sup> day of July, 2019**

**CORAM : R. VIJAYKUMAR, MEMBER (A)**

Vinod Prabhakar Jumde, Age 36 Yrs.,  
At – Post Kora Via Hinganghat 442 301, Distt. Wardha. - Applicant  
(By Advocate Shri A.N.Dighore)

**Versus**

1. The Union of India, through it's Secretary,  
Department of Post, Ministry of Communications,  
Dak Bhawan, Sansad Marg, New Delhi 110 001.
2. The Chief Postmaster General, Maharashtra Circle,  
Mumbai 400 001.
3. The Postmaster General, Nagpur Region, Nagpur 440 010.
4. The Sr. Superintendent of Post Offices, Wardha Division,  
Wardha 442 001. - Respondents

(By Advocate Shri R.G.Agarwal)

**ORDER ORAL**

This OA has been filed on 16.02.2017 under  
Section 19 of the Administrative Tribunals  
Act, 1985 seeking the following reliefs:-

“8.1. To quash and set aside the impugned order dated 07.06.2013 (Annexure A-1) and Minutes of Circle Relaxation Committee dated 17.04.2013 (Annexure A-2) Sl. No.17 of list not recommended candidates, being illegal and bad in law.

8.2. To direct the Respondents to take the Applicant on duty in the Respondent Department as Gramin Dak Sevak, after revisiting his indigency status if necessary.

8.3. To grant any other reliefs as may be deemed just and proper in the interest of justice.”

2. The applicants father was working as GDS and demised on 14.12.2007 at the age of 59 years and left behind his widow and the present applicant who was his son, aged 29 year at that point of time. The applicant filed a request for compassionate appointment in January, 2008 and which has been recorded as received by the respondents on 14.09.2009 and was considered by the Circle Relaxation Committee and rejected on 17.04.2013 in which marks were allotted based on the circular instructions on 14.12.2010 and of 09.03.2012 which required points to be allotted for number of dependents, outstanding liabilities for Education of dependent children and marriage of children, left over service for discharge, agricultural land and house, family earnings of members, discharge benefits and grace point for applicant if widow (Annexure A-11).

3. In view of this, the applicant was given 46 marks as recorded by the Committee at 7, 0, 0, 4, 5, 10, 20 and 0 and without granting any marks for 12<sup>th</sup> standard qualification. As a result, the applicant secured 46 marks which

was less than the lower limit of 50% for being considered suitable for appointment on compassionate basis.

4. The learned counsel for the applicant argues that no marks were given for educational qualification and refers to the circular of the year 2010 issued on 14.10.2012 in support of his claim. Therefore, he claims that he has obtained 20 marks for 12<sup>th</sup> standard qualification and he would have then become eligible for consideration.

5. The learned counsel for the respondents has opposed the claim and has pointed out that no marks have been given for educational qualification for any of the candidates and the educational requirement for GDS was itself 12<sup>th</sup> standard.

6. The learned counsels have been heard and the pleadings have been carefully perused and examined. The policies of the Government with regard to the appointment of GDS in reference to their eligibility and qualification. The educational qualification of GDS has been steadily increased over the years.

7. In the present case, the marks of the

applicant has been assessed with reference to the criteria laid down in the circulars dated 14.12.2010 and 09.03.2012 and in terms of these, no marks were granted for educational qualification. It is noted that this has been uniformly followed for all the candidates and therefore, any argument by the applicant that 20 marks should had been given for the applicant on this ground would have simply raised the lower cut off benefit without securing any benefit en bloc to the applicant. In any case, all applicants who could be selected as GDS had to be possess the minimum educational qualification required by the respondents. It is also noted from the table of marks awarded to the applicant that he was 29 years old at the time of his father's demise and further, that his elder brother was married with a child, was living independently and was running a shop. Therefore, there was only one dependent and only three marks should have been given whereas the applicant has been granted 7 marks which was quite an extraordinary action for the CRC. The other marks seem quite in order and it is evident

from a perusal of the marking, that the applicant has been fairly judged and can have no complaints in this regard. Further, if reference is made to the previous circular of 14.10.2012 in which points system has been adopted in Annexure A-6 of the application, the marks granted to the applicant including for educational qualification comes to only 44 points which does not enable any better placement for the applicant. Therefore, no merits are seen in the case of the applicant either in reference to the circular extant at the time of consideration or those which applied after 2010 based on the points system. The OA is, therefore, lacking merit and is, accordingly dismissed.

8. The applicant has also filed MA No.2037/2017 seeking condonation of delay considering that the orders were passed by the CRC and communicated to the applicant on 06.06.2013 and this OA has been filed after a delay of three years and seven months as mentioned in the MA. The applicant has submitted that he had a financial problem and could not pursue his matter. It appears that

this is a stock excuse and at least there should have been an attempt to file appeal or review nor has he also taken up the matter in any manner with the respondents. In the circumstances, there is no adequate cause for supporting the MA for condonation of delay.

9. The OA is, therefore, rejected both on the aspects of merit and for reason of limitation and delay. There shall be no order as to costs.

*(R. Vijaykumar)*  
*Member (Administrative)*

*kmg\**

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*7/8/19*