

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS: BILASPUR

Original Application No.203/00319/2019

Bilaspur, this Wednesday, the 20th day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

Tulsiram Patel,
S/o Late Shri Komal Prasad Patel,
Aged about 39 years
R/o Nawapara Post Mahuda
VIA Baloda,
District Janjgir
Champa (C.G.) 495695

-Applicant

(By Advocate-**Shri Akhilesh Mishra**)

V e r s u s

1. Secretary,
Department of Posts,
Ministry of Communications
Govt. of India,
New Delhi 110076

2. Indian Postal Department
Office of the Chief Post Master General Circle
Chhattisgarh Raipur (C.G.) 492001

3. Superintendent,
Indian Postal Services,
Bilaspur Division
Bilaspur (C.G.) 495001

4. Sub-Divisional Inspector
Indian Postal Services, Jangir
Champa (C.G.) 495695

- Respondents

(By Advocate-**Shri Vivek Verma**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

The applicant has filed M.A. No.203/515/2019 for condonation of delay in filing this Original Application. No reply has been filed by the respondents till date. Accordingly this M.A. is allowed. Delay is condoned.

2. Through this Original Application the applicant is challenging the order dated 05.12.2016 (Annexure A-1) passed by respondent No.2, whereby the application for appointment on compassionate ground has been rejected.

3. The applicant has sought for the following reliefs:-

“8.1 That, the Hon’ble Tribunal may kindly be pleased to call for the entire records of the case from the respondents.

8.2 That, this Hon’ble Tribunal may kindly be pleased to direct the respondent authorities to consider the case of applicant for compassionate appointment, in accordance with law and grant him compassionate appointment under the respondent department.

8.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the application may be given.

8.4 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the applicant may be given.”

4. Precisely the case of the applicant is that the father of the applicant Shri Komal Prasad Patel was working as E.D.D.A./M.C. under the respondent No.2, who died in harness during his service on 17.12.2014. The applicant applied for compassionate appointment within the time but the respondent-department vide order dated 05.12.2016 (Annexure A/1) has rejected the claim for compassionate appointment on the grounds that the Circle Relaxation Committee has not found the applicant fit for appointment on compassionate grounds after going through each and every point sympathetically.

5. Respondents in their reply have submitted that the application of applicant was received on 25.03.2015. The basic educational qualification for the post of GDS is Secondary School Examination Pass Certificate of 10th standard which is mandatory. As per scheme the case of the applicant was placed before the CRC on 01.12.2016

and his case was not recommended by the CRC committee members.

6. We have perused the impugned order dated 05.12.2016 (Annexure A/1) and from the impugned Annexure A/1 itself the only reason for rejecting the case of the applicant is that the case of the applicant has been considered by the CRC as per the scheme but we do not find any specific reasons in the impugned order itself. As per the judgment of the Hon'ble Apex Court in the case of **Raj Kishore Jha versus State of Bihar & Others**, 2003(11) CC 519 has again reiterated that "reason is the heartbeat of every conclusion. Without the same, it becomes lifeless." Therefore, reasons are backbone of the order. In absence of reasons, order cannot be approved by any Court of law because it does not inform the person against whom the order is passed regarding what weighed in the mind of the authority while rejecting the claim. In the instant case, the impugned order should have been the speaking order and by way of reply that cannot be

explained. In view of this, impugned order Annexure A/1 is against the law settled by the Hon'ble Apex Court. In view of this, the impugned order dated 05.12.2016 (Annexure A/1) is quashed and set aside. Respondents are directed to reconsider the case of the applicant afresh as per law/scheme/instructions, within a period of 90 days from the date of receipt of a certified copy.

7. Accordingly, this Original Application is disposed of in above terms. No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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