

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00506/18**

Date of Order: 25.10.2019

C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Ajay Mani Tiwary, s/o Late Manu Mani Tiwary, resident of Village & P.O.- Saraiya Khus, via Gobindganj, District- East Champaran, Motihari-845401.

.... **Applicant.**

By Advocate: - Mr. S.K. Tiwary

-Versus-

1. The Union of India, through the Secretary cum D.G., Government of India, Ministry of Communications & IT, Department of Posts, New Delhi- 110001.
2. The Assistant Director General (GDS), Government of India, Ministry of Communications & IT, Department of Posts (GDS Selection), New Delhi- 110001.
3. The Assistant Director (Recruitment), Office of Chief Postmaster General, Bihar Circle, Patna-800001.
4. The Assistant Director (Recruitment), Office of Chief Postmaster General, Bihar Circle, Patna- 800001.
5. The Superintendent of Post Offices, East Champaran Division, Motihari- 845401.

.... **Respondents.**

By Advocate: - Mrs. P.R. Laxmi

O R D E R
[ORAL]

Shri Dinesh Sharma, A.M: - The prayer of the applicant is for consideration of appointment on compassionate grounds since the letter dated 27.09.2017 gives incorrect merit points (07) on the basis of number of dependent members of the deceased employee. It was argued by the learned counsel for the applicant that going by the number of dependents

the applicant should have been awarded 15 merit points. The applicant has requested for quashing the letter dated 27.09.2017 as being in arbitrary exercise of power and discriminatory, and in violation of Article 14 of the Constitution of India.

2. The respondents have denied the claim of the applicant. They have stated that the case of the applicant has been considered twice and not recommended since the applicant got much less points than the required minimum points of 50. They have also alleged that in the light of the new circular dated 30.05.2017 and the decision of Hon'ble Patna High Court in CWJC No. 1482/2018 a circular dated 30.05.2017 cannot be used for re-examination of an earlier decision.

3. After going through the pleadings and hearing the learned counsels for the parties, it is clear that the case of the applicant has been rejected on grounds of his not getting the required merit points. I find that even if the argument taken by the learned counsel for the applicant was to be accepted and 15 marks are to be awarded for the dependent members of the deceased employee he will still fall short of the required 50 merit points. Therefore, the request of the applicant to quash the letter dated 27.09.2017 cannot be granted. However, since the latest circulars do not provide any ceiling on the number of times a person's case can be considered for compassionate appointment the applicant would be at liberty to apply again and the Department is expected to consider his case under the rules if he is found to be eligible taking into account the number of vacancies available and the relative merit of the case of the applicant in

comparison with other applicants. The OA is disposed of accordingly. No costs.

**[Dinesh Sharma]
Administrative Member**

Srk.