

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**

...

O.A.No.063/01149/2019

Decided on: 08.11.2019

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

...

Rajat Kumar

S/o Late Sh. Hoshiar Singh,

P.R.O. Village Panjehar,

Post Office Kailan,

Tehsil Jaisinghpur,

Distt. Kangra, H.P. 176086,

Group D.

Applicant

Versus



1. Union of India through Secretary Ministry of Communications & Information Technology, Department of Posts, Govt. of India, New Delhi-110001.
2. The Chief Post master General, Postal & Telecommunication Department, Shimla, H.P. 171009.
3. Senior Superintendent of Post Offices, Dharamshala Division, Dharamshala, Distt. Kangra, H.P. 176001.

... Respondents

(BY: MR. SUBHASH CHANDER, ADVOCATE)

ORDER (ORAL)
SANJEEV KAUSHIK, MEMBER (J)

1. The applicant lays a challenge to the order dated 31.3.2016 (Annexure A-25), whereby his case for compassionate appointment has been rejected.

2. Along with O.A., the applicant has also moved an M.A.No.1765/2019 seeking condonation of delay in filing the O.A.

3. Heard learned counsel for the applicant. He submitted that after death of bread-earner (father of the applicant) on 23.3.2013, while he was on deputation with P&T Administration Cell, Army Postal Services Centre, as Sepoy, the mother of the applicant moved a representation in the month of September, 2013, to consider case of her son (applicant herein) for appointment on compassionate grounds, which was recommended by the APS, as family was in indigent condition on 25.4.2014, 21.8.2014 and 12.9.2014. In January/February, 2015, she was asked by APS authorities to consult the respondent department. In April, 2016, the mother of applicant was asked by respondents to submit affidavit of no objection and again in 2017-18, she and applicant were called to complete certain paper formalities, which was done. She kept on visiting the office of respondents enquiring about fate of her case orally as well as in writing and ultimately was informed that her case has already been rejected vide order, Annexure A-25, which the learned counsel terms as illegal and arbitrary and deserves to be quashed and set aside. He argues that when case had been rejected in 2016 itself, then why applicant and family was asked to complete various formalities for considering their case for appointment on compassionate ground and applicant was made to wait on the ground that his case was under consideration.

4. Not only that, learned counsel for applicant also relies upon a decision of a co-ordinate Bench of this Tribunal in O.A. No. 063/1455/2017 titled **ANKAJ KUMAR VS. UNION OF INDIA & OTHERS**, decided on 16.3.2018, in which similar situation had arisen and rejection order was not conveyed to the applicant on correct address, as such court took the view that case of applicant (therein) merited re-consideration in the next meeting of the Circle Relaxation Committee. He thus pleads that this O.A. may be disposed of in same terms.

5. In view of the sequence of events explained above, we deem it fit and proper to condone the delay in filing the O.A. as applicant has been able to give justified reasons resulting into delay in filing the O.A. Ordered accordingly. Now we proceed to hear O.A. on merits.

6. Notice.

7. Mr. Anshul Bansal, Advocate, accepts notice.

8. He does not object to the disposal of the O.A. in the requested manner and seeks some time to have a re-look on the issue in view of indicated decision in the case of Ankaj Kumar (supra).

9. In view of the ad-idem between the parties, this O.A. merits acceptance. Impugned order, Annexure A-25, is quashed and set aside. The case is remitted back to the respondents to re-appreciate the case of the applicant in the light of the view taken in the case of Ankaj Kumar (supra), and recommendation already made in his favour, in the next meeting of the Circle Relaxation Committee, and in any case within 3 months from the date of receipt of a copy of this order. No costs.

(MOHD. JAMSHED)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: SHIMLA
Dated: 08.11.2019
HC*