

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 915 of 2022

Sujoy Barua

---Petitioner(s)

Versus

The Union of India & 3 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. D. K. Daschoudhury, Adv.
For Respondent(s)	: Mr. B. Majumder, Deputy SGI
Date of hearing and date of judgment and order	: 04.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India.

[2] The brief facts of this case is that Sri Sukumar Barua, father of the petitioner was appointed as Group D and joined his duties on 13.09.1999 under the disposal of the respondent no. 2. He continued to work till his death on 06.12.2016 while he was in service. He was survived by his wife Anju Rani Barua and only son Sujoy Barua- the petitioner.

[3] According to the petitioner, under the scheme of Compassionate Appointment in the Department of Posts, Government of India vide No17-1/2022-SPG-II dated 23.03.2022, the petitioner, being the sole eligible member of the family of the deceased Sukumar Barua, is entitled to have the said benefit.

[4] It its meeting held on 27.07.2021 the Circle relaxation committee of the office of the respondent no. 2 (CRC), the case of the petitioner was considered but not recommended for appointment on the ground that since the relative merit point did not reach comparative position with reference to number of available vacancy. The case may be referred to next vacancy year.

[5] In case No. WP(C)302 of 2022 between the petitioner and the respondents relying on the submission of learned Asst.S.G appearing for the respondents Hon'ble High Court of Tripura passed the order dated 06.04.2022 stating since the respondents are actively considering the case of the petitioner for

compassionate appointment, this court is not called for issuing direction on the respondents. None the less, the respondents are directed to consider speedy process so that in the earliest point the recommendation can be made for appointment of the petitioner in as much as the very object of the Die-in-harness scheme is to provide immediate relief to the family of the deceased employee who has died in harness.

[6] The respondent No.2 issued a letter vide No. Staff/175-1/CRC/2021 dated 10.09.2022 according approval of the competent authority and conveying recommendation of the CRC for the year 2021 wherein the case of the petitioner was rejected showing the ground as thus:

"Already considered for 3 or more times by the previous CRCs, but not considered are now rejected as per Para 5 of Postal Directorate letter No.17-1/2022-SPG-II dated 23.03.2022."

[7] The ground on which the petitioner's claim for appointment on compassionate ground has been rejected is not applicable in case of petitioner, because his case was never considered for three times.

[8] Aggrieved thereby, the petitioner has sought for the following relief:

- (1) Admit this petition
- (2) Issue notice upon the respondents
- (3) Call for the documents pertaining to the subject matter of this writ petition from the custody of the respondents for inspection.
- (4) Issue writ of certiorari asking each of the respondents to show cause as to why the decision of the CRC rejecting the claim of the petitioner for compassionate appointment shall not be quashed.
- (5) Issue writ of mandamus asking the respondents as to why the petitioner shall not be provided with compassionate appointment under the scheme for compassionate engagement in the Department of posts, India in the post of Group C immediately

[9] Heard Mr. D. K. Daschoudhury, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the respondents.

[10] Having perused the entire record, this court is of the opinion that the reason given thereof in the letter dated 10.09.2022 at Sl. 17 which is under challenge in the instant petition the same is set aside in the light of the order

passed by this high court on 06.04.2022 in WP(C) 302 of 2022. Below is the relevant portion of the said judgment dated 06.04.2022.

8. Since the respondents are actively considering the case of the petitioner for compassionate appointment, this court is not called for issuing direction on the respondents. None the less, the respondents are directed to consider speedy process so that in the earliest point the recommendation can be made for appointment of the petitioner in as much as the very object of the Die-in-harness scheme is to provide immediate relief to the family of the deceased employee who has died in harness.

[11] Since there is inconsistency in the case of the rejection of the petitioner. It is seen from the record that the case of the petitioner was not considered earlier. At this juncture, this court is not inclined to accept the said order of rejection providing compassionate appointment and the same is set aside. In so far as the petition is concerned, the matter is remanded back to the respondents for fresh consideration of merits and facts of the case. It is needless to mention here that this exercise shall be completed within a period of 3 months from the date of receipt of the copy of this order.

[12] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE