

GAHC010111522022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4031/2022

RUPANGSHU NATH
S/O- LATE RANABIR NATH,
R/O- VILLAGE PATIALA, P.O- PECHALA,
PIN-788734
DIST- KARIMGANJ, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT
OF POSTS, NEW DELHI-110001

2:THE DIRECTOR GENERAL OF POST OFFICES
DAK BHAWAN
SANSAD MARG

NEW DELHI-01

3:THE ASST. DIRECTOR GENERAL
OF POST OFFICES (GDS/PCC)

DAK BHAWAN
SANSAD MARG
NEW DELHI-01

4:THE CHIEF POST MASTER GENERAL
N.E.R
MEGHDOOT BHAWAN
PANBAZAR
GUWAHATI-1
DIST- KAMRUP (M)

ASSAM

5:THE SUPERINTENDENT OF POST OFFICES
CACHAR DIVISION
SILCHAR

P.O- SILCHAR
PIN-788001

DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. S NATH

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 17-02-2023

Heard Mr. S. Nath, learned counsel for the writ petitioner. Also heard Ms. A. Gayan, learned CGC appearing for the respondents.

The writ petitioner has approached this Court by filing the instant writ petition assailing the order dated 20-09-2021 issued by the Superintendent of Post Offices, i.e. the respondent No. 5 rejecting his prayer for appointment on compassionate ground due to "local language issue".

The facts of the case, briefly stated, are that the father of the petitioner was serving as Gramin Dak Sevak (GDS) in the postal department in the Anipur Post Office which falls within the Karimganj district of Assam. The petitioner's father died in harness on 28-08-2016. Since he was the sole bread earner of the family, the petitioner had

submitted an application for appointment on compassionate ground and the same was also considered by the Continuous Comprehensive Evaluation(CCE) Committee. But the application of the petitioner was rejected on the ground that there was "local language issue".

It is no where mentioned in the impugned order as to what was the local language issue. There is also no other documents available on record to throw light on the said issue. Therefore, this Court is not in a position to examine the said aspect of the matter.

By referring to the materials available on record, Mr. Nath has argued that the local language in Karimganj, is 'Bengali' and the petitioner also belongs to the Bengali community. He had also submitted two school certificates along with his application to show his proficiency in Bengali language. Under the circumstances, it is not known as to why the petitioner's candidature was rejected on account of "local language issue". Mr. Nath has also drawn the attention of this Court to the office memorandum dated 04-06-2019 which lays down that the local language for the postal circles of the three Barak Valley districts including Karimganj is Bengali. According to Mr. Nath in the earlier circular of 2015 no local language criteria is there. Since the petitioner had applied in the year 2016, hence, his case ought to have been considered in the light of the circular of 2015. However, even assuming that the later OM would be applicable in his case, even then, as per the office memorandum of 2019, the petitioner meets the requirement of local language since he is proficient in 'Bengali'. Therefore, the impugned order is wholly untenable in the eye of law.

The learned CGC has submitted that some more time be granted for filing affidavit.

However, the learned departmental counsel has failed to offer any explanation in support of the impugned order dated 20-09-2021.

After examining the materials on record, this Court is of the unhesitant opinion that there was no proper consideration of the candidature of the petitioner by the CCE for appointment on compassionate ground. It is to be borne in mind that appointment of compassionate grounds are made on special considerations so as to give immediate relief to the family members of the deceased employee. Therefore, causing undue delay in finalisation of such process, that too, on grounds which are not substantiated by the materials on record, cannot merit acceptance by the Court.

For the reasons stated hereinabove, the order dated 20-09-2021 is hereby set aside. The respondents are directed to reconsider the candidature of the petitioner for appointment on compassionate ground, in the light of the observations made above and pass appropriate order after taking into account, documents, including school certificates submitted by him, within a period of 06 weeks from the date of receipt of a certified copy of this order.

Writ petition stands disposed of.

JUDGE

GS

Comparing Assistant