

GAHC010090032021



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

**Case No. : WP(C)/1886/2020**

RAIHENA BEGUM  
W/O LT. FEROUZ ALI AHMED 9EX-SDI)  
NAGAON WEST SUB- DIVISION  
D/O MD. HAFIZUDDIN AHMED  
R/O NAVA JYOTI PATH  
NALIPOOL  
P.O. AND PS. DIBRUGARH  
DIST. DIBRUGARH  
ASSAM  
PIN-786001

VERSUS

THE UNION OF INDIA AND 5 ORS.  
TO BE REP BY THE SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF COMMUNICATION DEPTT. OF POSTS  
NEW DELHI-110011

2:THE CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)  
GUWAHATI BENCH

AT GUWAHATI

3:THE CHIEF POSTMASTER GENERAL  
ASSAM CIRCLE

MEGHDOOT BHAWAN

PANBAZAR

GUWAHATI-1

4:THE SUPERINTENDENT OF POST OFFICES

NAGAON DIVISION

NAGAON

PIN-782001

5:AMBIA BEGUM

W/O LT. ARFAN ALI

R/O PADUM NAGAR

OPP. BARUAH PETROL PUMP  
P.S. AND DIST. DIBRUGARH  
ASSAM PIN-786001  
PH. NO. 9508188426

6:KAZI IBRAHIM ALI AKANDA  
MUSLIM MARRIAGE AND DIVORCE REGISTRAR AND KAZI  
DHING  
DIST. NAGAON  
ASSAM  
PIN-782123  
PH NO. 8011996612  
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For the petitioner : Mr. M.H. Rajbarbhuiyan,  
Md. A.S. Ali,  
Mr. A. Mannaf, Advocates.  
For the respondents : Ms. M. Barman, Advocate  
For respondent Nos.1 to 4  
Mr. K. Kalita, Advocate  
For respondent No.5

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**07-06-2024**

*(Vijay Bishnoi, C.J.)*

1. This writ petition is filed by the petitioner being aggrieved with the order dated 04.10.2019 passed by the Central Administrative Tribunal (hereinafter to be referred as 'CAT'), Guwahati Bench whereby the original application, being, Original Application No.184/2018 filed by the petitioner has been dismissed.
2. The petitioner had approached the CAT with the specific prayer to issue a direction to the Superintendent of Post Offices, Nagaon Division, Nagaon to take

into consideration the grievance of the applicant (petitioner herein) and to consider her case for appointment on compassionate ground in any post in the department of Posts as per her qualification. She had also prayed that the respondent authorities be directed to dispose of the application along with compassionate format enclosing all the required particulars/documents filed by the applicant before the Superintendent of Post Offices, Nagaon Division, Nagaon.

3. The claim of the petitioner was resisted on behalf of the respondents. It was contended that there was no dispute regarding the fact that the deceased government employee was initially appointed with the postal department on 01.07.1996 and he expired on 06.08.2017 while working as Inspector of Posts, Nagaon (West) Sub-Division. It was also contended that the petitioner claimed herself as the wife of the deceased employee and applied for compassionate appointment. However, the younger brother of the deceased employee also moved an application for compassionate appointment. It was further revealed by the respondents that they were in receipt of a letter issued by Mrs. Ambia Begum, mother of the deceased employee stating that the petitioner is the divorced wife of her deceased son. However, no document in support of the claim was submitted by the mother of the deceased employee. On an enquiry conducted by the postal department, the mother of the deceased employee stated that the petitioner was divorced as per Muslim law by her son and she also produced some documents relating to the divorce issued from Kazi office, Dhing. Therefore, the respondents before the CAT were not in a position to consider the case of the petitioner for compassionate appointment as the question regarding the legal heir was not finalised and the petitioner did not obtain NOC from the family members of the deceased employee.

The respondents also claimed that there was disparity between the two death certificates produced by the petitioner as well as the mother of the deceased employee because in the death certificate, which was issued by Assam Medical College Hospital, Dibrugarh, submitted by the petitioner, the date of death of the deceased is mentioned as 06.08.2017 whereas in another death certificate, which was issued by the Municipality Board, Dibrugarh, submitted by the mother of the deceased, the date of death of the deceased is mentioned as 13.08.2017. The respondents have further claimed that the proof of the petitioner's being the actual legal heir of the deceased employee is not available and in absence of the same and till establishment of the actual legal heir of the deceased employee, the application filed by the petitioner seeking compassionate appointment cannot be proceeded further. The respondents have also placed reliance on certain other documents produced on behalf of the mother of the deceased employee in support of her claim.

4. The petitioner has filed rejoinder contradicting the claim of the respondents. However, the CAT, after considering the rival claims, has come to the conclusion that the claim of the petitioner for compassionate appointment at this stage is premature as the legal status of the petitioner as the wife of the deceased government employee and establishment of the legal heirs of the deceased government employee are still to be finalised. The CAT has disposed of the application holding that the issue regarding the applicant's legal status as the wife of the deceased government employee and also the legal heir for other terminal benefits be decided and settled as early as possible.

5. Having heard the learned counsel appearing for the petitioner and after going through the material available on record and also taking into consideration

the fact that there is no clarity about the status of the petitioner as the wife of the deceased government employee at the time of his death and about the legal heirs of the deceased government employee, we do not find any case for interference in the impugned order dated 04.10.2019 passed by the CAT. Hence, the writ petition is dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**