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Govt. of India
Ministry of Communications
Department of Posts
Office of the Chief Postmaster General, Punjab Circle,
Sandesh Bhawan, Sector-17/E
Chandigarh-160017.

To

Deputy Director
Centre of Excellence in Postal Technology
Mysuru-570010.

No: Rectt/4-26/CCE/2021

Dated at Chandigarh, the 04.02.2022

Sub: Regarding Minutes of review CCE to consider the cases of dependent of deceased Gramin Dak Sevaks, which were rejected by the CCE between the period Year 2005 to May 2017 in respect of Punjab Circle.

I am directed to forward herewith Minutes of review CCE to consider the cases of dependent of deceased Gramin Dak Sevaks, which were rejected by the CCE between the period Year 2005 to May 2017 in respect of Punjab Circle for Publishing on the www.indiapost.gov.in.

| Sr. No | Subject | Document No. with date | Display Start Date | Display End Date | Document category | Sub category | Content Author |
|--------|---|---|--------------------|------------------|-----------------------|--------------|----------------|
| 1 | Regarding Minutes of review CCE to consider the cases of dependent of deceased Gramin Dak Sevaks, which were rejected by the CCE between the period Year 2005 to May 2017 in respect of Punjab Circle | Rectt/4-26/CCE/2021 Dated 04.02.2022 | 04.02.2022 | - | Recruitment & Results | Result | Punjab Circle |

DA/ As Above


Asstt. Director Postal Services (Rectt)
Punjab Circle Chandigarh

Copy for information and necessary action to:

1. Assistant Director (MOD), Punjab Circle, Chandigarh for uploading the same on www.punjabpostalcircle.gov.in.
2. Sr/Supdt. Of Post Offices/RMS in Punjab Circle.

Minutes of Committee on Compassionate Engagement (CCE) to review cases of dependents of deceased Gramin Dak Sevaks on compassionate grounds, which were rejected by the Committee on Compassionate Engagement during the period from 2005 to May 2017 as a one time measure in compliance to Directorate letter no. 17-01/2017-GDS dated 05.03.2020.

A Review meeting of Committee on Compassionate Engagement comprising of Ms. Manisha Bansal Badal, Postmaster General, Punjab West Region, Chandigarh, as Chairperson, Ms. Radhika Dhir, Director Postal Services (HQ), Punjab Circle, Chandigarh as Member and Ms. Shilpi Sinha, Director (Finance), Punjab Circle, Chandigarh as Member was held on 27.01.2022 to review the cases of Gramin Dak Sevaks on compassionate grounds which were rejected by the Committee on Compassionate Engagement (CCE) during the period from 2005 to May-2017.

2. Attention of the Committee was drawn to the instructions issued vide Directorate letter number 17-01/2017-GDS dated 05.03.2020, which prescribes as under:-

Para 2. "In this context, the competent authority has again reviewed the instructions on the scheme keeping in view of number of court cases on compassionate engagement as well as individual representations and approved to repeal the sentence "the cases which have already been settled will not be reopened" (Para 3 of Directorate OM of even number dated 30.05.2017 refers) as a one-time measure in cases which were earlier rejected by the Committee on Compassionate Engagement (CCE) between the period year 2005 and May 2017."

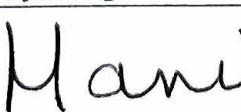
Para 3. "The CCE while examining these Compassionate Engagement cases will adhere to the instructions issued vide this Directorate's OM No. 17-1/2017-GDS dated 30.05.2017 and dated 18.12.2019 in true spirit."

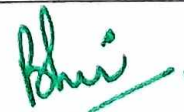
3. The Committee has further observed that adhering of procedure laid down in Directorate OM No. 17-1/2017-GDS dated 30.05.2017 & dated 18.12.2019, has again been reiterated in Directorate letter no. 17-1/2017-GDS dated 11.08.2020."

4. On detailed perusal and examination of the above mentioned OMs i.e OM No. 17-1/2017-GDS dated 30.05.2017 & OM No. 17-1/2017-GDS dated 18.12.2019, the Committee observed that as per instructions contained in Para 9(c) of OM No. 17-1/2017-GDS dated 30.05.2017, all 93 cases required to be reviewed are largely belated and not in consonance with the concept of compassionate engagement which is largely related to the need for immediate assistance to the family of GDS in order to relieve from economic distress. Adhering to the instructions of OM No. 17-1/2017-GDS dated 30.05.2017 in true spirit, it would not be justified to offer engagement on compassionate grounds in all these cases when death of the GDS occurred 6 to 21 years ago as detailed below:-

| Sr. No. | Date of death of GDS | No. of Cases |
|---------|----------------------|--------------|
| 1 | 21 years ago | 2 |
| 2 | 20 years ago | 2 |
| 3 | 19 years ago | 1 |
| 4 | 18 years ago | 4 |
| 5 | 17 years ago | 8 |
| 6 | 16 years ago | 7 |
| 7 | 15 years ago | 13 |
| 8 | 14 years ago | 6 |


(Shilpi Sinha)
Director (Finance)
Punjab Circle, Chandigarh
(Member)


(Manisha Bansal Badal)
Postmaster General
Punjab West Region, Chandigarh
(Chairman)


(Radhika Dhir)
Director Postal Services (HQ)
Punjab Circle, Chandigarh
(Member)


| Sr. No. | Date of death of GDS | No. of Cases |
|---------|----------------------|--------------|
| 9 | 13 years ago | 7 |
| 10 | 12 years ago | 11 |
| 11 | 11 years ago | 11 |
| 12 | 10 years ago | 7 |
| 13 | 9 years ago | 5 |
| 14 | 8 years ago | 4 |
| 15 | 7 years ago | 4 |
| 16 | 6 years ago | 1 |
| | Total | 93 |

5. The rule/principles of law laid down by the Hon'ble Courts while considering appointment on compassionate grounds contained in the following judgments were also kept in view while considering the cases of compassionate appointment:

- (i) The Hon'ble Supreme Court's in its judgment dated May 4, 1994 in Umesh Kumar Nagpal case has laid down following important principles.
 - a) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate grounds.
 - b) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
 - c) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible.
 - d) Compassionate Appointment cannot be granted after lapse of reasonable period and it is not vested right which can be exercised at any time in future.
- (ii) Hon'ble CAT, Ahmedabad Bench in OA No. 179 of 2009 in the matter of Sh. Brijesh Kumar D. Patel vs. Union of India & Others vide judgment dated 19.04.2010 held that "When subsequent to the death of the bread earner, sufficient time has passed and bereaved family has maintained themselves, there can be no direction to the competent authority to consider the claim for compassionate appointment. This is a factual finding and the Tribunal will not enter into merits of the same because whether the deceased left the family in penury without any means of livelihood has to be decided by the competent authority and the courts can not normally interfere. Compassionate appointment cannot be claimed by way of right or as heritable public office."
- (iii) In the case of HSEB vs. Krishna Devi it was held by the Hon'ble Appex Court that Compassionate appointment cannot be claimed as a matter of right against guidelines prescribed by the Government.

6. In view of Para 4 & 5, the Committee did not find any case to be "**Hard & Deserving**" enough for Compassionate engagement on compassionate grounds.


(Shilpi Sinha)
Director (Finance)
Punjab Circle, Chandigarh
(Member)


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Postmaster General
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