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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO.188 OF 1987.

Date of decision : September 10, 1987.

Arun Kumar Panda ... Applicant.

Versus

Union of India and others ... Respondents.

M/s. A.K. Mohapatra,
R.K. Pattnaik, &
R.C. Pattnaik, Advocates ... For Applicant.

Mr. A. B. Mishra, Senior Standing
Counsel (Central) ... For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN,

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? ~~Mr.~~
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be given to the competent authority namely the Postmaster General, Orissa Circle and the Senior Superintendent of Post Offices, Cuttack (City) Division for giving an appointment to the applicant.

2. Shortly stated, the case of the applicant is that he is son of one late Hadibandhu Panda who is said to have died in course of discharge of his official duties. After the death of the father of the applicant, an application was filed by the applicant before the competent authority to give him an appointment on compassionate ground. It is stated in the petition that an application had been filed by the applicant for giving him such appointment but it has been rejected.

3. The applicant relies upon Annexure-1 containing copy of letter No. 166/83-66 SPBI dated 18.3.1968 issued by the Director General of Posts & Telegraphs to all heads of Circles relating to employment in relaxation of Rules of recruitment of sons/daughters/near relations of deceased P & T employees and contends that in view of the direction given by the Director General of Posts & Telegraphs, the applicant should have been given an appointment on compassionate ground. No doubt in Annexure-2 the mother of the applicant has been informed that her application to appoint her son Shri Arun Kumar Panda on compassionate ground has been cancelled. This

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eventually means that the competent authority had probably given an appointment to the applicant otherwise 'cancelled' would not have been mentioned. We are not in a position to know the exact reason for which the appointment, if any, given was cancelled or in any case appointment was not given to the applicant. Hence, we do not feel inclined to give any positive direction in this matter. Since the applicant's father has died in course of employment and in view of the letter issued by the Director General, Posts & Telegraphs we feel that the matter should be reconsidered on a fresh application being filed by the applicant before the Postmaster General, Orissa Circle and Senior Superintendent of Postoffices, Cuttack (City) Division so as to enable them to sympathetically consider the case of the applicant and give him an appointment on compassionate ground subject to the suitability of the applicant and availability of posts, ~~according to rules~~.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN,

I agree.

10/9/87
Member (Judicial)

10/9/87
Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench: Cuttack.
September 10, 1987/S. Sarangi.