

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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Original Application Nos. 122 & 123 of 1988.  
Date of decision ... April 14, 1988.

In both cases :

Arun Kumar Panda, aged about 22 years,  
son of late Hadibandhu Panda, At- Machhipur,  
P.O. Telengapentha, Dist- Cuttack.

... Applicant.

In O.A. 122/88 :

1. Union of India, represented by its Secretary, Posts and Telegraphs, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At & P.O- Bhubaneswar, Dist- Puri.
3. Senior Superintendent of Post Offices, Cuttack City Division, Town and District-Cuttack.

In O.A. 123/88 :

1. Union of India, represented through the Secretary, Ministry of Communication Department, Central Secretariate Building, At/P.O- New Delhi ( U.P. )
2. The Director General of Posts and Telegraphs, Department of Posts, New Delhi-1 ( U.P. )
3. The Post Master General, Orissa Circle, representing Relaxation Board, At/P.O- Bhubaneswar, Dist- Puri.
4. The Senior Superintendent of Post Office, Cuttack City Division, Cuttack, At/P.O/Dist-Cuttack.

... Respondents.

M/s Deepak Misra, R.N. Naik,  
A. Deo, S.S. Hota & R.N. Hota, Advocates  
in O.A. 122/88.

M/s A.K. Mohapatra, R.K. Patnaik,  
R.C. Patnaik & D.K. Patra, Advocates ..  
in O.A. 123/88 :

For Petitioner

Mr. A.B. Misra, Sr. 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 have been permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

## J U D G M E N T

K.P.ACHARYA, MEMBER (J). Since both the cases involve common questions of fact and the parties being the same, this common judgment would govern both the cases. In the application filed in both the cases under section 19 of the Administrative Tribunals Act, 1985, the prayer of the petitioner is that a direction be issued to the respondents to consider the application dated 18.9.1987 and to give the applicant an appointment.

2. Shortly stated, the case of the petitioner is that his father died while he was in active duty discharging his duties in Jobra Post Office as a Group 'D' employee. After the death of the petitioner's father, an application was filed before this Bench under section 19 of the Administrative Tribunals Act, 1985 praying therein to direct the respondents to give an appointment to the petitioner on compassionate ground. This formed subject-matter of Original Application No. 188 of 1987. After hearing counsel for both sides in the said case, we directed that an application be filed by the petitioner before the Post Master General, Orissa Circle and Senior Superintendent of Post Offices, 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. It is submitted by Mr. Deepak Misra, learned counsel for the petitioner that the petitioner has already filed an application before the Post Master General copy of which is Annexure-2 praying therein to give him <sup>a</sup> the suitable

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post. No further direction in this matter is necessary as we have already indicated our views in the judgment passed in O.A.No. 188 of 1987. We are very sure the Post Master General would give his kind consideration to the application filed by the petitioner and so also to our views mentioned in our judgment. It was submitted to us by Mr. Deepak Misra that according to rules, a compassionate view has to be taken by the Post Master General. We feel that probably this matter might not have attracted the personal attention of the Post Master General and therefore we would direct that this matter be placed before the Post Master General immediately on receipt of a copy of this judgment and we hope the Post Master General would take a compassionate view and pass necessary orders according to rules keeping in view our observations passed in Original Application No. 188 of 1987. We hope action would be taken as soon as possible.

3. Thus, both the applications are disposed of accordingly leaving the parties to bear their own costs.

*Agreed*  
14.4.88  
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

*14.4.88*  
Vice Chairman

Central Administrative Tribunal,  
Cuttack Bench.  
April 14, 1988/Roy, SPA.