

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.376 of 1988.

Date of decision : December 12,1989.

Guru Prasad Mallick, son of late Binodram
Mallick, Section Supervisor(Operative),
Central Telegraph Office, Cuttack-1,
At Balisahi(Nuapada) P.O.Madhupatna,
Cuttack-753010.

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Applicant.

Versus

1. Union of India, represented through the
Director General, Telecommunication,
New Delhi.
2. General Manager, Telecommunication,
Orissa Circle, Bhubaneswar, Dist-Puri.
3. The Superintendent-in-charge,
Central Telegraph Office, Cuttack.

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Respondents.

For the applicant ...

M/s.A.K.Mohapatra,
R.K.Patnaik,
R.C.Patnaik,
D.Patra,K.Parida,
Advocates.

For the respondents ...

Mr.P.N.Mohapatra,
Addl. Standing Counsel (Central)

C O R A M:

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

A N D

THE HON'BLE MR.N.SENGUPTA, 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 ? No.
 3. Whether Their Lordships wish to see the fair copy of the
judgment ? Yes.
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J U D G M E N T

N.SENGUPTA, MEMBER (J) The applicant in this case, was admittedly appointed as a Lower Division Clerk in the Telecommunication Department and he continued to work as such L.D. Clerk till he voluntarily retired in 1985. It is unnecessary to state all the allegations made in the application with regard to the circumstances under which the applicant opted for voluntary retirement. Suffice it to indicate that the allegations made in the original application suggest that out of disgust the applicant voluntarily retired from service because he could not be promoted. In the present application the main prayer is for a direction to the respondents to give appointment on compassionate ground to his son in a Class IV post. He has ofcourse made a prayer for quashing the order dated 13.2.1978 (copy of which is at Annexure-1). This prayer ofcourse is not pressed at the time of hearing.

2. In the counter, the respondents have maintained that no question of any compassionate appointment could arise in the circumstances of the case.

3. We have heard Mr. A.K. Mohapatra, learned counsel for the applicant and Mr. P.N. Mohapatra, learned Addl. Standing Counsel (Central) for the respondents and have also gone through the papers. Mr. A.K. Mohapatra has drawn our attention to an office memorandum and a statement in Muthuswamy's compilation on Establishment and Administration at page 253. Mr. A.K. Mohapatra has contended that even though ordinarily appointments on compassionate grounds are made in cases of death while in harness or retirement on invalidation, in exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate

Member (J)
12/1/84

appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds. On reading the office memorandum No.14014/6/86-Estt. dated 30.6.1987 of Government of India, Ministry of Personnel, Public Grievances & Pension etc. Department of Personnel & Training, it would be apparent that Clause (b) of the memorandum refers to a case when a Government servant retired on medical grounds under Rule 38 of the Central Civil Service (Pension) Rules, 1972 or any corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years. This being so, the case of the present applicant is not covered by that office memorandum. During the course of hearing Mr. A.K. Mohapatra has submitted that the applicant has got a physically handicapped child and that the applicant belongs to the Scheduled Caste and that the applicant began his service as an L.D. Clerk and retired as such, will leave no room to doubt his indigency more so as he is a person belonging to the Scheduled Caste. In these circumstances, we feel that if an application is made by the handicapped child, his/her case for appointment deserves to be considered sympathetically.

4. This application is accordingly disposed of leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN,

I agree.



Member (Judicial)
12/12/89
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Member (Judicial)

Vice-Chairman
12/12/89
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 12, 1989/Saranghi.