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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 134 OF 1989

Date of decision: 8th. May, 1991

Subash Chandra Mohapatra : Applicant

Versus

Union of India and others : Respondents

For the applicant : Mr. S. P. Mohapatra,  
Advocate.

For the Respondents : Mr. A. K. Misra, Sr. Standing  
Counsel (Central)

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CORAM:

THE HON'BLE MR. B.R.PATEL, Vice-Chairman  
A N D  
THE HON'BLE MR.N.SENGUPTA, Member (Judicial)

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1. Whether reporters of local papers may be 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.

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JUDGMENT

B.R.PATEL, VICE CHAIRMAN: The applicant is the son of Shri Agani Charan Mohapatra who was working as Postman in the Post Office of the Central Rice Research Institute (C.R.R.I.), Cuttack-6. He retired on invalid Pension on 31-8-1977 though he would have retired on

superannuation in usual course on 30-9-1981, his date of birth being 20.9.1921. Shri Agani Charan Mohapatra on retirement on medical ground applied to the competent authority for appointment of his son on compassionate ground. His application was considered by the P & T Directorate which did not find it possible to appoint the applicant on compassionate ground (Annexure-2). Being aggrieved with the decision of the P&T Directorate, the applicant has moved this Tribunal with the prayer that the Respondents should <sup>him</sup> be directed to give a job on compassionate ground in relaxation of the normal recruitment rules.

2. We have heard Mr. S.P.Mohapatra the learned Counsel for the applicant and Mr. A.K.Misra the learned Senior Standing Counsel (CAT) for the Respondents and perused the relevant papers. (The respondents have not filed any written reply). Mr. Mohapatra has averred that the applicant is a young graduate without any job and his father is bed-ridden and his mother blind and he has to defray their medical expenses in addition to providing them with food and clothings. He is also married with a wife living with him. In these hard days, helpless young men like the applicant need a compassionate appointment of the department where their father or a near relative worked honestly and faithfully for long years. Mr. Misra has however, contended that the prescribed conditions for a compassionate appointment have not been satisfied

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in the present case. In this connection he drew our attention to the Office Memorandum (O.M. for short) dated 30th June, 1987 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India on the subject of compassionate appointment of Son/daughter/near relative of deceased Government servant. This O.M. has simplified and consolidated the orders and instructions issued from time to time laying down the principles to be followed in making compassionate appointment. He has referred particularly to paragraph-1(b) of this Memorandum which says that 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 may be extended to a son/daughter/ near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972 or corresponding provisions in the Central Civil Service regulations before attaining the age of 55 years. Only in the case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.

Mr. Misra has averred that the father of the applicant was a Group 'C' employee, being a Postman and the age limit of 55 years applies to him. A copy of the medical



certificate furnished by the Chief District Medical Officer, Cuttack (CDMO) has been furnished Annexure-5 to the application. In this certificate the age has been recorded as 58 years on the statement of the <sup>IR</sup> Postman and even by appearance. This certificate is dated 4.7.77. As the Postman was more than 55 years when he was permanently incapacitated for further service of any kind his son or daughter or a near relative is not entitled to any appointment on compassionate ground. In view of the clear provisions of the Office Memorandum dated 30th June, 1987 ( Annexure-7), the applicant is not eligible for appointment on compassionate ground and as such the application stands dismissed. There would be no order as to costs.



For Ward  
8.5.91  
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VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench: Cuttack : K. Mohanty.