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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.504 of 1989.

Date of decision : April 8, 1991.

Bibhudutta Mohapatra ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant : M/s. Ganeswar Rath,  
P.K. Mohapatra,  
A.K. Patnaik,  
J.Ch. Sahoo, Advocates.

For the respondents : Mr. P.N. Mohapatra,  
Addl. Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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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) This is an application seeking a direction to the respondents to appoint him on compassionate ground in some suitable post.

- that -
2. The applicant's case is his father was working as an Inspector of Central Excise and Customs and while in service he died in January, 1971. At that time he (the applicant) was aged about 8 years. His father had practically no immovable or movable properties at the time of his death. So his mother with much difficulty brought him up and

*Mem. Encls.*

got him educated. After the death of his father, his mother made representations to Respondent No.2 but those representations were not accepted. His mother had made a representation to the Governor of Orissa which was sent to the Collectorate of Central Excise and Customs, and Bhubaneswar/on 7.5.1984 a reply was received from the Administrative Officer (Establishment). By that reply it was stated that representation beyond 5 years from the date of death of the Government servant are not entertained. Therefore, no appointment could be given to the applicant.

3. The respondents in their counter have alleged that the mother of the applicant had made a representation for appointment of the applicant as an L.D. Clerk and this was received in the Calcutta Collectorate on 22.3.1982 but as by then there was already bifurcation of Orissa & from Calcutta collectorate, it was dealt with at Bhubaneswar. After that requisite information was sent to the Ministry of Finance, Department of Revenue for their consideration, and the Ministry after due consideration expressed their inability to accept the request of the mother of the applicant to appoint the applicant on compassionate ground.

4. We have heard Mr. Ganeswar Rath, learned counsel for the applicant and Mr. P.N. Mohapatra, learned Additional Standing Counsel (Central) for the respondents. On hearing learned counsel for the parties, what appears is that the family has none except the applicant to fall back upon. There is no denial of the averment of the applicant that the family is not possessed of sufficient properties so as to

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yield <sup>can</sup> the income sufficient to sustain the family. We have kept in mind the instructions issued with regard to a Government servant dying in harness when his children are minors. The instructions are that after the minor child attains majority he can apply. Therefore, in view of the abject indigent condition of the family we would direct that the respondents should consider, in case the applicant makes an application in that regard, for appointment on compassionate ground in a suitable post.

5. This application is accordingly disposed of. No costs.

*B. K. Mishra* 8.4.91  
.....  
Vice-Chairman

*M. K. Sengupta* 2/4/91  
.....  
Member (Judicial)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
April 8, 1991/Saranghi.

