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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.318 of 1990.

Date of decision: March 14, 1991.

Bichitrananda Mallik ... Applicant.

Versus

Union of India and others... Respondents.

For the applicant ... M/s.Devanand Misra,
Deepak Misra,
R.N.Naik, A.Deo,
P.P.Panda, B.S.Tripathy,
Advocates.

For the respondents ... Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O M M I S S I O N E R :

THE HONOURABLE MR.K.J.RAMAN, MEMBER (ADMN.)

A N D

THE HONOURABLE 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.

J U D G M E N T

N.SENGUPTA, MEMBER (J) This is an application for a direction to appoint the applicant on compassionate grounds in relaxation of the normal rules of appointment.

2. Practically all the facts are undisputed. The applicant's father, Dhruba Charan was working as an Extra-Departmental Mail Carrier of Bangra Branch Post Office in the district of Cuttack. When the said Dhruba fell ill, the applicant, his son, was working as a

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substitute from 1.8.1990 till 5.8.1990 when Dhruba died before attaining the age of superannuation. On 14.8.1990 the Assistant Superintendent of Post Offices, Jagpur Sub-Division communicated to the applicant that somebody else was to be appointed till the post was filled up in a regular manner. The applicant's case is that this communication by the Respondent No.4 is against the Rules and continuance in the service has been threatened.

3. The respondents have not disputed the facts of Dhruba having been appointed as an Extra-Departmental Mail Carrier of Bangra Branch Post Office or the fact of the applicant having worked as a substitute with effect from 1.8.1990 but their case is that the applicant never made any application to the concerned authorities for considering his case for appointment as an Extra-Departmental Mail Carrier of Bangra Branch Post Office.

4. We have heard Mr. R. N. Naik, learned counsel for the applicant, and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. Undisputedly, the father of the applicant died while in service as an Extra-Departmental Mail carrier. Therefore, on general principles governing the appointment on compassionate ground, the applicant has a right to be considered for being appointed to a post for which he has the eligibility including the qualification. Learned counsel for the applicant has not been able to show that the applicant ever made any application to the concerned authorities for considering him for the appointment as an E.D.M.C. In view of these circumstances,

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we would direct that the applicant should make an application in the prescribed manner along with necessary required documents within one month from the date of receipt of a copy of this judgment and the Department i.e. Respondents 3 & 4 would dispose of the application of the applicant for the post within three months from the date of receipt of the application by them and that application would need a sympathetic consideration in view of the allegations of the applicant that his father died in harness and there is no other earning member in his family.

5. The case is accordingly disposed of . No costs.

[Signature]
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Member (Admn.)



[Signature] 14.3.91.
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Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 14, 1991/Saranghi.