

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 333 OF 1990

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Date of decision : March, 8, 1991

Smt. Jenamani Swain and another : Applicants

Versus

Union of India and others : Respondents

For the applicant : M/s. P.V.Ramdas, B.K.Panda,
D.N.Mohapatra, Advocates.

For the Respondents : Mr. A.K.Misra, Senior Standing
Counsel (CAT)

C O R A M:

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

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.

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JUDGMENT

B.R.PATEL, VICE CHAIRMAN: This is an application for compassionate appointment. Briefly stated, the facts are that one Sachidananda Swain who was as L.S.G. Official in the Postal Department at Bhubaneswar died while in service on 3.9.1988 (his normal date of superannuation was 30.4.1991) his widow within the prescribed Rule applied to the competent authority for compassionate appointment of one of his children but the application was rejected vide Annexure-8 which is a letter issued by the Senior Superintendent of Post Offices, Bhubaneswar Division dated 17.11.1989. Thereupon the Widow of the deceased appealed to the Chief Postmaster General who rejected her representation on the ground that she was unauthorised occupant of the Government quarters. This order was communicated to the widow by the Senior Superintendent of Post Offices by his letter dated 21.1.1990. A copy

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of this letter is at Annexure-10. Being aggrieved by this order the applicants (mother and son) have approached the Tribunal to direct the Respondents to provide compassionate appointment either to the Petitioner No.2 or to any other eligible Member of the family of the deceased.

2. The Respondents have maintained in their counter affidavit that the case of the applicants was duly considered by the relaxation Committee. On consideration of the Income of the family and other consideration, the Committee has not found it possible to give an appointment to the Member of the deceased family on compassionate ground.

3. We have heard Mr. P.V.Ramdas, the learned Counsel for the applicant and Mr. A.K.Misra, the learned Senior Standing Counsel (CAT) for the Respondents and perused the relevant documents. Mr. Ramdas said that this is a purely a matter of compassionate appointment, ^{and compassion} which has to be shown to the family of a deceased Government servant who has expired while

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still in service. He has brought to our notice ~~the~~ ^{instructions} various ~~Annexures~~ ^{DA} issued by Government from time to time. According to Annexure-1, Son/daughter/wife or near relative etc. of all Government servants who die while in service or retire on medical grounds before attaining the age of superannuation, will be eligible for appointment to Group 'C' and Group 'D' Posts, in relaxation of normal recruitment procedure/conditions. According to this the son or daughter or near relative of a Government servant who dies in harness leaving his family in immediate need of assistance, when there is no other earning member in the family would be entitled to compassionate appointment. Mr. Ramdas has further averred that the family has since vacated the Government quarters and since there are five daughters and two sons and widow all are unemployed, the family suffer considerable hardship without any means of livelihood. Mr. Misra on the other hand has contended that the applicant No.1

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i.e. the widow of the deceased has been given the gratuity, leave salary etc amounting to Rs. 82000/- and the widow also gets the family pension and ^{annually} there is income of Rs. 4000/- from agriculture and ^{etc} as such the family is not indigent enough to deserve the compassionate appointment as visualised in the instructions pointed out by Mr. Ramdas. In the case of the death of a Government servant his ~~widow~~ is entitled to family pension and that should not ^{for} deprive of any compassionate appointment ^{which} ~~etc~~ ^{is} required for his family members. Moreover the amount of family pension is not ^{adequate} to ensure a reasonable standard of living for the family. The amount of Rs. 82,000/- which has been given to the widow is hardly sufficient even for the marriage of one daughter. We have also noticed from Annexure-10 that the only reason cited ⁱⁿ ~~rejecting~~ ^{for} the application for compassionate appointment is unauthorised occupation of the Government quarters by the family

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of the deceased. Now that the quarters have been vacated on 30th March, 1990 and the family consists of as many as **five** daughters and two sons ^{all} unemployed we would direct the Department to consider the appointment of the applicant No.2 or any other members of the family of the deceased to a post for which he or she be found suitable, as soon as possible, reasonably within a period of four months.

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

Mallick
MEMBER (JUDICIAL)

7/3/91

Banerjee 8.3.91
VICE - CHAIRMAN

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

