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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.263 of 1991.

Date of decision: September 24, 1991.

Kenu Kahali ... Applicant.

Versus

Union of India and others ... Respondents.

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

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

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C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.I.P.GUPTA, MEMBER (ADMN.)

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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? AN
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

K. P. ACHARYA, V. C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant, Shri Kenu Kahali prays for an appointment to a post in Group 'D' category on regular basis, on compassionate grounds.

2. The father of the applicant, late Gobinda Kahali died while rendering service under the Postal Department. Taking a compassionate view ⁱⁿ with the matter, the Departmental authorities had employed the applicant on casual basis ~~xx~~ and he has been working on casual basis with effect from February, 1990 in the General Post office, Cuttack.

3. 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 at some length. Mr. Naik,

learned counsel for the applicant invited our attention to a decision of the Hon'ble Supreme Court reported in AIR 1991 SC 469 (Smt. Phoolwati v. Union of India and others). In this case, Their Lordships while quoting with approval the observations of Their Lordships of the Supreme Court in the case of Smt. Sushma Gosain v. Union of India, reported in AIR 1989 SC 1976 accepted the position that compassionate appointment should be expeditiously made even after creating a supernumerary post. In the case of Sushma Gosain Their Lordships were pleased to observe as follows:

" It can be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant. "

Thereafter, Their Lordships in the case of Smt. Phoolwati observed as follows:

" Accordingly, we direct the Union of India to take immediate steps for employing the second son of the appellant in a suitable post commensurate with his educational qualification within a period of one month from the date of this order. "

Following the dictum laid down by Their Lordships in the above mentioned judgments we would also direct the respondents to follow the dictum laid down by Their Lordships ^{by} giving an appointment on regular basis to the applicant on compassionate grounds within 90 days from the date of receipt of a copy of this judgment. A copy of this judgment be sent to the Chief Post Master General in the name cover to attract his immediate attention.

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4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

[Signature]
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Member (Admn.)



[Signature]
24.9.91.
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
September 24, 1991/Saranghi.