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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 374 of 1991

Date of Decision 12th February, 1992.

Smt. Bidulata Panda

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Devanand Mishra,
Deepak Mishra,
R.N.Naik, A.Deo,
B.S.Tripathy
Advocates

For the respondents

M/s. A.K. Mishra,
Standing Counsel (CAT)

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C O R A M

HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MISS.USHA SAVARA, MEMBER (ADMN), This original application has been filed by the applicant praying for a direction to the respondents to give an appointment to her second son Shri Arun Kumar on compassionate grounds.

2. The husband of the applicant Shri Haribandhu Panda, died on 26.12.1985 while in service as a Group 'D' Official in Jobra Post Office, Cuttack City Division. After his death an original application No. 188/87 was filed by his son Shri Arun Kumar for considering his case to be given a compassionate appointment in the P. & T. Department. The Tribunal disposed of the case on 10.9.1987 by giving directions to the respondents to consider his case sympathetically. However, his case for an appointment was rejected as his elder brother was already employed as a Junior Engineer in the R. & B. Division, Cuttack.

3. Shri Arun Kumar Panda filed original application No.122 and 123 of 1988 before the Tribunal to issue a direction to the respondent to appoint him on compassionate ground. This original application was disposed of on 14.4.1988 with a direction that the matter be placed before Post Master General, Orissa for taking compassionate view and pass necessary orders keeping in view the observations passed in Original Application No.188/87.

4. The case was put up before the Circle Relaxation Committee (in short C.R.C.) of which the Post Master General is the Chairman. The committee did not approve the case for appointment on compassionate grounds and rejected the case

vide letter dated 29.6.1988.

5. Original application No.326 of 1988 was again filed by Arun Kumar Panda for reconsidering his case by relaxation of normal rules of recruitment. It was averred that ~~some~~ others had been given compassionate appointments even though one member of each of those families was employed. It was brought to the notice of the Tribunal that the case of the applicant had been considered by the C.R.C. headed by the P.M.G., Orissa Circle on 16.6.1988, and after due consideration of the entirety of facts, it was decided that there were no indigent circumstances warranting reconsideration. In view of this, the Tribunal ~~declined~~ to issue the direction prayed for.

6. Subsequently, Review Application No. 34 of 1990 was filed on the grounds that the Postal Department had failed to take into consideration certain facts and circumstances before rejecting the applicant's claim for a compassionate appointment and further that the refusal was against a circular, which was issued on 23.5.1978.

7. It is stated therein that even though a son of a Government Servant, who died in harness, may be an earning member, but if the family is in indigent circumstances, a compassionate appointment can be made. The review petition was not admitted, as the Tribunal, after consideration of the materials, came to the conclusion, that there was no error apparent on the face of the record and no new matter had been brought to the notice of the Tribunal.

7. The present original application has been filed by the Mother of Shri Arun Kumar Panda and the only new point urged is that the **affidavit** filed by her, which clarifies the matter, was not considered by the Respondents. An appeal was filed on 18.4.1990 to the Director General, and the same is still pending.

8. In their counter, it is submitted by the Respondents that the **affidavit** filed by the applicant was taken into consideration by the Circle Relaxation Committee while considering the case of Shri Arun Kumar Panda for compassionate appointment. Reliance was placed on the judgment in the case of Fakinnath Sonav vrs. Union of India A.T.R. 1990(1) CAT 230 by Shri A.K.Mishra, learned Standing Counsel of the Respondents to support his contention that even if the eldest son is held to have been separated and living else where, he cannot escape from the responsibilities of looking after his mother, in case she is in any difficulties. Finally it was stated by Mr.Mishra that Circle Relaxation Committee is the supreme body to decide such cases, and the Director General(Posts) has nothing to do in this connection, and further, no appeal against decision of Circle Relaxation Committee was filed by Arun Kumar Panda through the Chief Post Master General, Orissa.

9. We have heard Shri Deepak Mishra for the applicant, and Shri A.K.Mishra, for the respondents. We have perused the records, and gone through the history of innumerable original applications filed by Shri Arun Kumar Panda, the **second son** of the applicant for whom

compassionate appointment is sought. Compassionate appointment is not a matter of right; each case has to be considered on its own merits. The C.R.C. has given full consideration to the facts of his case, as directed by the Tribunal, and then arrived at its conclusion, keeping in view the guidelines laid out for consideration of such cases. We have gone through the detailed note at R.3 dated 16.6.1988 recording the consideration of A.K.Panda's case by the C.R.C. and see no reason to interfere with the decision of the CRC especially since Shri A.K.Panda is now ~~earning~~, according to the pleadings of the applicant.

10. In view of the facts and circumstances of the case, we are not inclined to issue any directions as prayed for. The original application is totally devoid of merit, and is dismissed as such with no order as to cost.

12-2-92
VICE-CHAIRMAN

12-2-92
M. Sahoo
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the /Sahoo/

