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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTA CK.

Original Application No. 91 of 1991.

Date of disposal: February 26, 1993

Smt. Sushila Mohanta Applicant

Versus

Union of India and others Respondents

For the Applicant Mr. B. Dash, Advocate.

For the Respondents Mr. Aswini Kumar Misra,
Sr. Standing Counsel
(Central).

C O R A M:

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

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 His Lordship wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to be issued to the Opposite parties to appoint the petitioner on compassionate ground under the rehabilitation scheme.

2. Shortly stated the case of the petitioner is that her husband Shri Ramesh Chandra Mohanta while working as Branch Post Master in the Niundi Branch Post Office (Keonjhar District) met an untimely death on 20th September, 1989 after rendering service for eight years. Relying on the circular issued by the Government of India to rehabilitate of the a member of the family deceased, the petitioner made an application to the competent authority for giving her an appointment on compassionate ground. The circle relaxation Committee having rejected her prayer, this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the petitioner is not placed under indigent circumstances as she has an annual income of Rs. 4,000/- having 50% share out of A16.19 Decimal of lands which has been recorded in the name of her husband and his younger brother. Therefore, it is maintained in their counter that the Circle Relaxation Committee rightly rejected the prayer of the petitioner and the case being devoid of merit is liable to be dismissed.

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4. There is no appearance on the side of the Petitioner.

5. I perused the pleadings of the parties and the relevant instructions with the assistance of Mr. Aswini Kumar Misra learned Standing Counsel (Central) and I have also heard Mr. Misra at a considerable length.

6. The admitted position is that Ramesh Chandra died on 20th September, 1989 while in service. The deceased left behind his widow, two minor sons and one daughter - a fact which is undisputed. Further admitted position is that the total income of the petitioner is Rs. 4,000/- per year which brings her an income of Rs. 330/- per month. Court can take judicial notice of the fact that in Keonjhar district agricultural lands do not yield as much usufruct as in other districts because of rocky area. Conceding for the sake of argument it is not so, undisputed position is that the family of the petitioner has an income of Rs. 330/- per month. It is needless to state that in these hard days when many people are poverty stricken and in view of the exorbitant price of essential commodities how can a family consisting of the petitioner herself, two minor sons and one daughter would sustain their livelihood with this paltry amount of Rs. 330/- per month. Apart from the fact relating to the food to be the consumed by four members of the family, children education is of paramount importance. In these circumstances one cannot conceive as

to how a conclusion was arrived at that the case of

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the petitioner
was not a hard and deserving case. What more one would
find to bring oneself within the purview of indigent
circumstances.

7. Keeping inview of all the facts and circumstances
sta-ted above, I am of opinion that the case of the
petitioner is really a deserving one and the circular
issued by the Government of India applies in full
force to the facts of the present case. I would
therefore direct that a compassionate appointment be
given to the petitioner and I hope and trust that
the Chief Post Master General would pass necessary
orders as soon as possible preferably within ninety
days from the date of receipt of a copy of the judgment.

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

legally drawn
26.2.93

VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty,
26.2.93

