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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.92 of 1991.

Date of decision : September 26, 1991.

Brajabandhu Palai ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.G.K.Mohanty,
S.K.Ghose,
G.P.Samal , Advocates.

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

C O R A M:

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

A N D

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

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

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 prays for a direction to the respondents for appointment to the post of Extra-Departmental Branch Post Master of Bhubanpur Branch Post Office on compassionate and rehabilitation grounds.

2. Shortly stated, the case of the applicant is that his father late Bhimasen Palai, during his life time was functioning as Extra-Departmental Branch Post Master of Bhubanpur Branch Post Office. On the death of Bhimasen Palai another person has been appointed on regular basis. Hence, this application with the aforesaid prayer.

3. We have heard Mr. G. K. Mohanty, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents at some length.

Mr. Mohanty, learned counsel for the applicant placed before us the instructions issued by the Departmental authorities which has found place in paragraph 5, Section 6 (page 96) of Swamy's compilation of Service Rules for ED Staff in Postal Department. Against the heading 'compassionate appointment to dependants in case of death' it has been ^{stated} ~~observed~~ as follows:

" The question of providing some E.D. post to Departments of E.D.s posts in case of death/infirmity of as Extra-Departmental staff has been under consideration of the Government for quite some time past. It has now been decided that the suitable job in E.D. cadre may be offered to one dependent of ED official who dies while in services leaving the family in indigent circumstances subject to the conditions applicable to regular employees who die while in service or retire on invalid pension."

From the above quoted portion it is clear that the Central Government has allowed appointment on compassionate grounds. Therefore, here is a case in which the applicant's grievances need to be considered. Mr. Mohanty urged that the applicant should get a compassionate appointment in Bhubanpur Branch Post Office, where his father was working and till now the house of the present applicant is being used as the Post Office. Be that as it may, we do not feel inclined to deprive the present incumbent working in the said Post Office of his bread and butter. But at the same time we would direct the respondents 3 & 4 to consider the case of the applicant sympathetically, if he could be appointed/adjusted in a nearby Post Office. If in case any vacancy does not exist at present, he may be adjusted in the next ^{future} vacancy dispensing with the rigour of the prevalent rules regarding the fact that the incumbent must be of the post village. We particularly

say that the rigour should be be dispensed with because this is a case of appointment on compassionate grounds.

4. Thus, this case stands allowed, leaving the parties to bear their own costs.

J P L...

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Member (Admn.)



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26.9.91.

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Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack.
September 26, 1991/Saranghi.