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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 250 of 1992

Date of Decision: 21.7.1992

Smt. Manjari Parija

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Rohini Kanta Pattnaik  
M. Balakrishna Rao,  
Advocates

For the respondents

Mr. A. K. Mishra,  
Standing Counsel (Central)

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C O R A M

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

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1. Whether the reporters of local news papers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *Yes*
3. Whether Their Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order dated 8.4.1992 contained<sup>in</sup> Annexure-8 and direct OP No.3, i.e. the Superintendent, R.M.S., Berhampur, Ganjam Division to give an appointment to the petitioner on compassionate ground.

2. Shortly stated the case of the petitioner Smt. Manjari Parija is that her husband Shri Golak Chandra Parija entered <sup>in</sup> the Postal Services in the year 1964 and since then he served the postal department in various capacities - last having been promoted to the post of Sorting Assistant. Unfortunately Golaka died in harness on 13.10.1989, leaving behind the widow, his father & mother etc. The petitioner had made a prayer before the appropriate authority for giving her an appointment on compassionate grounds. Vide Memo No.89-Misc/78 dated 8.4.1992 contained in Annexure-8, the Superintendent, R.M.S., <sup>in</sup> Division, Berhampur informed the petitioner that the Circle Relaxation Committee had rejected the application of the petitioner for recruitment in the Department under Compassionate ground in relaxation of normal recruitment Rules. Hence this application has been filed with the aforesaid prayer.

3. Due to urgency of the matter, it was directed that this case should come up for admission and hearing before this Bench to-day and accordingly this case has been heard on the question of admission and hearing.

4. I have heard Mr. R. K. Pattnaik, learned counsel for the petitioner and Mr. A. K. Mishra, learned Standing Counsel.



5. Mr. Pattnaik urged that Golak Chandra Parija dies in harness. The petitioner without a job is facing critical situation to sustain her livelihood and also she is facing equal difficulties in feeding the old and aged inlaws i.e. father and mother of the deceased husband, especially in this old age they need considerable medical attention and costly medicines are required for the inlaws. Under such circumstances directions should be given to the opposite parties to give an appointment to the petitioner on compassionate ground.

6. On the other hand Mr. A.K. Mishra, learned Standing Counsel submitted that the petitioner is drawing a monthly pension of Rs. 605/- and she has already drawn D.C.R.G. to the extent of Rs. 28,400/-, G.P.F. Rs. 2,290/-, encashment of surrender leave Rs. 6,826/- and Group Insurance Scheme Rs. 22,084/-. According to Mr. Mishra the petitioner is not at all facing any difficulties because the aforesaid amount drawn by her will be sufficient to meet her needs to maintain herself and her inlaws. Therefore the departmental authority rightly rejected her representation for giving her compassionate appointment.

7. I have given my anxious consideration to the arguments advanced at the Bar. Compassionate appointment is given to one of the legal representatives of the deceased Government servant who has died in harness and those Government servants who die while in Government service leave behind their savings including the money due on account of Group Insurance, Pension, D.C.R.G. etc. to be availed by his or her legal representatives. Therefore in

no legal representative of a Government servant will be entitled to compassionate appointment. In my opinion this is no ground to reject the application of the present petitioner for appointment on compassionate ground. That apart, if all the amount drawn by the petitioner is taken into account and the petitioner without spending a copper would have deposited the same in the Bank, then she would barely received Rs.500/- or a little more from the interest accruing therefrom. But one can imagine that in these hard days, lot of money would have been spent for the obsequies of her husband and towards the daily maintenance cost of herself and her inlaws. There are several other incidental expenses which one can say out of experience for which it will be difficult to be met out of this paltry amount of pension of Rs.605/- and taking the worst - Rs.500/- from the interest accrued on the total amount drawn by her presuming that not a single copper would not have been spend therefrom, which is an impossibility. I am sure every authority in the postal department can and would have realised as to how they are meeting their both ends even drawing an amount much more than Rs.1000/. Keeping all these in view a sympathetic consideration was necessitated by the department instead of adopting a stringent view which is not in consonance with the view expressed by the Apex Court in regard to matters of this nature and especially not in consonance with the experience that any human being derives on each and every day as to how difficult it is to sustain one's livelihood when one is struggling to have barely two square meals a day. Therefore in my opinion the department should have

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taken all these aspects into consideration and should have taken a sympathetic view of this matter. In this connection I would refer to the judgment of the Hon'ble Supreme Court reported in AIR 1991 SC 469 (Smt. Phoolwati vs. Union of India and Others). Their Lordships quoted with approval the observations of Their Lordships in the judgment reported in AIR 1989 SC 1976 (Smt. Susama Gowswamy vs. Union of India and Others), which runs thus :

" 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 ".

8. I would commend to the authorities of the Department to go through the views expressed by the Hon'ble Supreme Court in both the judgments and keeping in view the observations of Their Lordships, I would strongly recommend the case of the present petitioner to give her an appointment on compassionate ground commensurate with her educational qualification. The authorities would also note that the Supreme Court has observed that in cases of these nature, there should not be any delay in giving an appointment on compassionate ground. Therefore I hope and trust the Post Master General, Berhampur and the Superintendent of Post Offices will take immediate steps to give an appointment to the petitioner on compassionate ground

for

within two months from the date of receipt of a copy of the judgment. I also hope the Post Master General, Berhampur will personally look into this matter and do the needful to help a destitute lady.

9. Thus the application stands allowed leaving the parties to bear their own costs.

*legat* 21-7-92  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 21st July, 1992/BKSahoo

