

3
3
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO:52 OF 1993

Date of decision: February 7, 1994

Manmath Kumar Jena

...

Applicant

Versus

Union of India & Others

...

Respondents

(For instructions)

1. Whether it be referred to the reporters or not? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *NO*

K.P. ACHARYA
VICE CHAIRMAN

K.P. 7.2.94

5
4
7
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.52 OF 1993

Date of decision: 7th February, 1994

Manmath Kumar Jena ... Applicant
Versus
Union of India & Others ... Respondents
For the Applicant ... M/s. R.N.Sutar, S.Muduli,
P.K.Mohanty, Advocates.
For the Respondents ... Mr. Ashok Misra, Senior
Standing Counsel (Central)
CORAM:
THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
....
O R D E R

K.P.ACHARYA:V.C. In this application under section 19 of the
Administrative Tribunals Act, 1985, the Petitioner prays
to quash the order dated 10.4.1992 and direct ~~the~~ ^{the}
Opposite Party No.2 to appoint the petitioner as an
Departmental
Extra/Delivery Agent of Ratlang Post Office..

2. Shortly stated the case of the Petitioner is
that his father Shri Adikanda Jena retired on invalidation
ground while he was working as an Extra Departmental
Delivery Agent of Ratlang Branch Post Office within
Bargarh in the District of Jajpur on 14.9.1991. On
18th September, 1991, Adikanda made an application to give
a compassionate appointment to his son Manmath Kumar Jena
and Manmath, present petitioner, was appointed as an
Extra Departmental Delivery Agent on adhoc basis on
8th January, 1992 with a condition that his appointment
would continue till the regular selection is made. But

the services of the petitioner was dispensed with on 20th July, 1992 without assigning any reason.

3. I have heard Mr.P.K.Mohanty learned counsel for the Petitioner and Mr.Ashok Misra learned Senior Standing Counsel(Central). I find this to be a most befitting case in which an appointment should be given to the petitioner to serve as Extra Departmental Delivery Agent of Ratlang Branch Post Office. I am told that the Selection process has not yet been completed. I do not agree with the Departmental authorities as stated in Annexure R/2 that the cases of those persons who have prematurely retired on medical grounds should not be forwarded to the office for consideration of their successor in interest for compassionate appointment. The intention of having rehabilitation scheme for compassionate appointment is to help the successor of a Government servant who dies in harness. The concerned Government employee who has retired on medically invalidation ground needs more sympathy. I think such persons should be given a helping hand to sustain their livelihood. I am told that as yet the final selection process of EDDA of Ratlang Branch Post Office has ~~not~~ ^{not} yet been finalised. Therefore, I would direct that the petitioner Shri Manmath Kumar Jena should be appointed against the said post. In case regular appointment order has been issued, the petitioner should be given an appointment in any other post office

and the next vacancy when arises, in any other post office, the same should go in favour of the petitioner.

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

Agarwal 7-2-94
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench/K.Mohanty/7.2.94.

