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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 181 of 1994

Cuttack this the 10th day of January, 1995

Ranjit Kumar Gauda

Applicant(s)

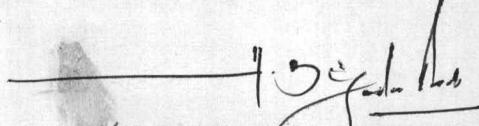
Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? N.
2. Whether it be circulated to all the Benches of N.
the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

10 JAN 95

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C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

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Ranjit Kumar Gauda, aged about 26 years, S/o.Late Udayanath Gauda At/PO:Badaborasingi,Via:Gobara, Dist:Ganjam,Orissa (761124)

.. Applicant/s

By the Advocate : M/s. D.D. Nayak

P.K.Mishra

D.P. Pradhan

D. P. Patnaik

S. Swain

1. Union of India, represented through its Secretary, Deptt. of Posts, Dak Bhawan, New Delhi
2. Chief Post-master General M.P Circle, Bhopal-12
3. Post-master General, Indore Region, Indore (MP) 452 001
4. Superintendent of Post Offices, Khandwa Division, Khandwa Kadhyā Pradēsh .. Respondent/s

By the Advocate : Mr. Akhaya Kumar Mishra,
Addl. Standing Counsel (Central)

1920-21 1921-22 1922-23

ORDER

learned counsel for the applicant, and Shri Akhaya Mishra, learned Addl. Standing Counsel (Central) for the respondents.

2. At the outset it has to be stated that the cause of action arose in the State of Madhya Pradesh inasmuch as the deceased employee was working in an office in Bhopal and passed away in the same place.

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Normally, this case should, therefore, have been filed before the Jabalpur Bench of the Tribunal. Shri Nayak, however, mentions that the widow of the deceased employee, as well as the present applicant, are in such utter state of destitution that it shall not really be possible for them to travel to Jabalpur for filing an application in this case. The family resides permanently in Orissa. Considering these circumstances it was necessary felt at the admission stage to entertain this application. The Respondents have duly filed a counter affidavit. It would not, therefore, serve any purpose to reopen the question of jurisdiction.

3. The basic facts concerning the deceased employee and the applicant are not in dispute. The Committee constituted to select candidates for appointment in relaxation of normal recruitment rules has recorded several reasons for rejecting the application of the petitioner. Apart from other reasons given in Annexure-5, the basic question relates to indigence, or lack of indigence, of the family. I have absolutely no reason to hold that a Committee comprising three senior officers of the service, including the Head of the Circle himself, would take an incorrect view of indigence on inadequate knowledge of facts. It is to be assumed, therefore, that the Committee was seized of all the pertinent details concerning the family.

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and its overall financial State when the application was made. However, it is now submitted by Shri Nayak that since the time of first making the application for appointment in relaxation of normal recruitment rules, the condition of the applicant's family has taken a turn for the worse and the meagre amounts, being the terminal benefits of late Shri U.N.Gauda which were paid to the widow, have had to be spent entirely in repaying the debts incurred by the deceased employee and due also to prolonged illnesses in the family. It was added that unless the department, which utilised the services of the petitioners' deceased father for more than three long decades, comes to meaningful rescue of the heirs, the entire household cannot escape starvation. It was emphasised that, apart from all other factors, there are two unmarried daughters whose ^{plight} appears doomed, because the mother is ~~neither~~ in a position to have them married or to impart any education to them due to continuing poverty of a very acute kind.

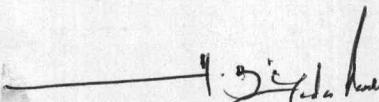
4. The circumstances put forth by Mr.Nayak are pathetic and would seem to deserve utmost consideration. This is a case which merits maximum consideration ~~towards~~ the surviving members of the household of a loyal and devoted servant of the department.

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I would exhort Chief Post-master General, Bhopal, and the Circle Relaxation Committee to reconsider the case of the applicant in the light of the facts which have been submitted on their behalf and reflected in the preceding para. It would be desirable if a suitable decision is taken and communicated in the matter within 60 days of the receipt of a copy of this order.

The application is thus disposed of.

No costs.


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

10 JAN 95

B.K.Sahoo