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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 370 OF 1994  
Cuttack, this the 24th day of February, 2000

Sri Kanhu Prasad Das ..... Applicant

Vrs.

Union of India and others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
24.2.2000

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CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 370 OF 1994  
Cuttack, this the 24th day of February, 2000

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

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Sri Kanhu Prasad Das, aged about 28 years, son of late Surendra Prasad Das, Vill-Kudia, PO-Durgadevi, Via/PS-Remuna, District-Balasore .....Applicant

Advocates for applicant - M/s GaneswarRath  
S.N.Mishra

Vrs.

1. Union of India, represented by the Secretary, Post, Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Orissa, Bhubaneswar-1
3. Superintendent of Post Offices, Balasore-1.
4. Sub-Divisional Inspector (Postal, Nilgiri Sub-Division, PO-Raj Niligiri, District-Balasore.

.....Respondents

Advocate for respondents - Mr.A.K.Bose  
Sr.C.G.S.C.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this Application under Section 19 of Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to the respondents to give compassionate appointment to him. The second prayer is for a direction to give family pension to the applicant from the date of death of his father till he has attained majority and GPF amount and salary for the period from 1.5.1975 to 24.5.1975.

*S. Som.*

2. The applicant's case is that his father Surendra Prasad Das worked as Extra-Departmental

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Messenger in Durgadevi Branch Post Office under Remuna Sub-Office of Balasore District. In due course he became Extra-Departmental Branch Post Master in that Branch Office. While working as such he passed away prematurely on 24.5.1975 leaving behind his widow and the applicant who was nine years old at that time. The mother of the applicant died in the same year. At the time of his death the applicant's father had put in more than 23 years of service. But after his death G.P.F. amount, family pension and allowance due to his father from 1.5.1975 to 24.5.1975 have not been paid to the applicant as yet. The applicant has passed Class VII. The school leaving certificate is at Annexure-1. The applicant has stated that the postal Department vide its letter dated 16.12.1991 adopted a policy of giving compassionate appointment to eligible dependants of deceased ED employees for providing employment assistance to their family. The applicant after attaining requisite age submitted representation at Annexure-2 for getting compassionate appointment. The applicant has stated that in the month of February 1994 post of E.D. Messenger in Durgadevi Post Office is going to be vacant and the Inspector of Post Offices has called for names from the Employment Exchange without considering the case of appointment of the applicant on compassionate ground. He has also not called for the name of the applicant from the Employment Exchange where the applicant has registered his name. Stating all this he has filed another representation to Chief Post Master General which is at Annexure-3. In the context of the above facts the applicant has come up in this petition with the prayers referred to earlier.

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3. Respondents in their counter have stated that Surendra Prasad Das was working as E.D.D.A. He was selected and appointed as EDBPM on 14.12.1968. He absconded from duty with effect from 24.5.1975 and it was subsequently reported that he had passed away. After lapse of 16 years the applicant submitted a representation on 7.1.1994 with a request to provide him a job. The respondents have stated that the scheme for giving compassionate appointment to dependants of ED employees in case of death in harness came into force in Director General, P & T's letter dated 4.8.1980 at Annexure-R-1. The case of the applicant was dropped under intimation to him in letter dated 21.1.1994 (Annexure-R-2) as the death had occurred prior to introduction of the Scheme. The respondents have further stated that there is no provision under the rules to grant pension to the heirs of ED Agents. There is also no scheme of provident fund for them. An amount of Rs.59.60 was the allowance for the EDBPM for the period from 1.5.1975 to 24.5.1975. This amount was adjusted towards the loss to the Department caused by the father of the applicant. On the above grounds the respondents have opposed the prayer of the applicant. The respondents have also filed a memo enclosing a letter dated 4.8.1994 rejecting the representation of the applicant on the ground that at the time of death of his father the scheme of compassionate appointment was not in force and this came into force only from 4.8.1980. The circular dated 4.8.1980 has already been filed along with the memo. In the original circular the date has been shown as 4.8.1979 and in a corrigendum issued on 16.8.1980 it has been mentioned that the date of issue of the letter dated 4.8.1979 may be read as 4.8.1980.

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4. I have heard Shri Ganeswar Rath, the learned counsel for the petitioner and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents and have also perused the records.

5. The applicant has stated that his father died on 24.5.1975. The respondents in their counter have stated that on 24.5.1975 Surendra Prasad Das absconded from duty and reportedly died subsequently. According to the applicant's own version his father died on 24.5.1975 when he was 9 years old. From this it would appear that the applicant attained majority in 1984. It has been submitted by the learned counsel for the petitioner that the applicant became eligible to be considered for appointment under the Postal Department only after he attained majority in 1984 by which time the Scheme for giving compassionate appointment had come into force and therefore his case should have been considered by the departmental authorities and should not have been rejected outright. It has been submitted by the learned Senior Standing Counsel that cause of action in this case had arisen on the death of the applicant's father leaving behind his widow and the applicant who was minor at that time. The widow had not applied for compassionate appointment and in any case at that time the Scheme of compassionate appointment was not there. The purpose of the scheme of compassionate appointment is for giving immediate rehabilitation assistance to the family of the deceased employee and therefore it must be held that cause of action, if any, had arisen on the death of the applicant's father. The other aspect of the matter is that according to the applicant himself at the time of death of his father in 1975 he was

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aged 9 years. He had therefore attained majority in the year 1984 but he had come up for compassionate appointment and had filed representation only eight years thereafter in March 1992. The applicant has not made any averment as to why he did not come up for compassionate appointment immediately after attaining majority. The other aspect of the matter is that the applicant has stated that after the death of his father in 1975 his mother passed away in the same year. But in his representation dated 20.3.1992 at Annexure-2 he has stated that his mother passed away since last one year. Thus it would appear that the mother of the applicant, according to the representation of the applicant at Annexure-2, passed away sometimes in 1991. In case the family was in need of rehabilitation assistance the widow, i.e, the mother of the applicant would have filed representation for giving compassionate appointment to her after coming into force of the scheme in 1980 which she had not done. From the above it is clear that when the applicant's father died the scheme of compassionate appointment was not there and even when the scheme came into force in 1980 the applicant after attaining majority did not apply immediately. In view of the above, I hold that the applicant is not entitled to get compassionate appointment after a lapse of 25 years from the date of death of his father.

6. The second aspect is about dues of the father of the applicant, claimed by the petitioner. The respondents have correctly pointed out that family pension and GPF schemes are not applicable to ED employees. They have also mentioned that the last allowance for part of the

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month of May 1975 amounting to Rs.59.60 has been drawn and adjusted. In view of this, the applicant is also not entitled to any payment on these accounts.

7. In the result, therefore, I hold that the Application is without any merit and the same is rejected but without any order as to costs.

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*Somnath Som*  
(SOMNATH SOM)  
24.2.2000  
VICE-CHAIRMAN