

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

O.A.NO.524 OF 1994

July 20, 1995

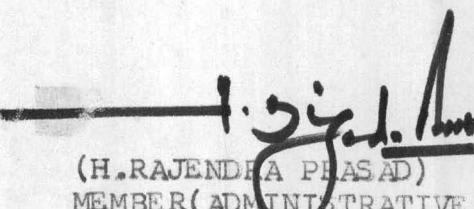
S.N.PANIGRAHI Applicant

Vrs.

Union of India & others ... Respondents.

(FOR INSTRUCTIONS)

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


(H.RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

20 Jul 95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.524 OF 1994

Cuttack, this the 20th July, 1995

CORAM:

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Shri Satya Narayan Panigrahi
aged about 20 years
son of Nilamani Panigrahi
Quarter No. Type-III/II,
C.B.I. Colony, Unit-VIII,
Bhubaneswar, Dist: Khurda

... Applicant

By the Advocates - M/s Deepak Misra,
R.N.Naik, B.S.Tripathy,
P.Nanda & P.K.Misra.

-versus-

1. Union of India,
represented by its Secretary in the
Department of Personnel & Training,
New Delhi-110003
2. Comptroller & Auditor General of India,
Bahadur Saha Jafar Marg,
New Delhi-110 003
3. Office Superintendent/A.D-III Section,
Central Bureau of Investigation,
Government of India,
Block No.3,
C.G.O.Complex, Lodi Road,
New Delhi.
4. Accountant General (A&E),
Orissa, Bhubaneswar, Dist. Khurda ... Respondents.

By the Advocate

- Shri Ashok Misra,
Senior Standing Counsel
(Central Govt.)

Shri Akhaya Mishra
... Addl. Standing Counsel

O R D E R

H.RAJENDRA PRASAD, MEMBER(ADMN.) Smt.Pramila Panigrahi, an Auditor in the office of the Accountant General (A&E), Bhubaneswar, passed away in February,1984, after rendering 14 years of service.The applicant,Shri Satyanarayan Panigrahi, was a minor at the time. On attaining majority in 1992, he applied to Respondent 4 for a suitable appointment on compassionate grounds.The request was turned down in May,1993, whereupon the applicant requested the Respondents to reconsider his case.There was no further communication from them. Hence this application.

2. The Respondents submit that -

- (i) the case, filed ten years after the demise of Smt.Pramila Panigrahi is barred by limitation;
- (ii) the husband of the deceased employee, Shri Nilamani Panigrahi, is duly employed in the office of the Superintendent of Police, Special Police Establishment, Central Bureau of Investigation, as Head Clerk-cum-Accountant and the applicant is not without support;
- (iii) he was in due receipt of family pension from 1984

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to 1992 when he remarried;

(iv) the family pension (Rs.375 + usual reliefs) is now paid to the applicant;

(v) there is thus no proven indigence in this case as the family has managed its affairs well enough all the years after Smt.Panigrahi's demise.

The application, the Respondents maintain, is not therefore maintainable since it does not meet the basic requirement of indigence and acute financial distress.

3. The applicant bases his case mainly on the ground that the father, Shri Nilamani Panigrahi, is not maintaining the applicant and his younger sister, ever since he (the father) remarried in 1991.

This Tribunal was of the view that it is for the petitioner to prove that he (and his sister) are not being adequately looked after by the father. The father, Shri Nilamani Panigrahi, has now given a statement through his employer that owing to his increased responsibilities, - he has a child by the second marriage, - he is unable to meet the needs of his children by the earlier marriage, on an 'adequate' scale.

1.2 J. D. L.

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4. Shri B.S.Tripathi, learned counsel for the applicant, made strenuous effort to prove that the applicant was unable to maintain himself in reasonable dignity or comfort besides financing his sister's collegiate education. He relied heavily on the statement of the father which has already been referred to.

5. It is seen that the request of the applicant is not strictly covered by rules governing the scheme of compassionate appointments inasmuch as the head of the family was, and is still, gainfully employed and the family, besides the father's steady and regular income, was also in receipt of family pension consequent on Smt. Panigrahi's demise. Nevertheless, it is also to be noted that pension, which is the normal entitlement of all employees - or their heirs in the event of death - cannot by itself be a bar for ^{The compassionate} employment of a candidate provided he fulfills other criteria for such employment. The father of the applicant admits that, owing to his own increased responsibilities, he is unable to look after or fulfil the expectations of his children by the earlier marriage quite fully. While one can have reservations about the propriety of such unbecoming stand on the part of a government servant, it is yet possible and necessary to take cognizance of the position as stated by him. If true, this would seem to call for a fresh look at the case in the overall stated circumstances of the case. It would be necessary to recall that the late Mrs. Panigrahi had rendered fourteen years of service,

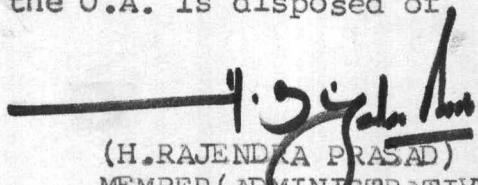
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and that her son, who is educationally qualified, and otherwise apparently eligible, is now finding it difficult to finance the education or to generally look after her other child, his sister.

I command such reconsideration. A suitable decision may be taken and communicated to the applicant in reasonable time. Any decision taken by the respondents in the matter, after considering all the relevant facts, shall be binding on the applicant and cannot give rise to any further litigation.

Thus the O.A. is disposed of


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

20 Jul 95

A.Nayak, P.S.