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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 718 of 1994

Cuttack this the 28th day of July, 1995

Sushama Kumari Sahu ... Applicant (s)

Versus

Union of India & Others ... Respondent (s)

(FOR INSTRUCTIONS)

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


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

28 Jul 95

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 718 of 1994

Cuttack this the 28th day of July, 1995

C O R A M:

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

Sushama Kumari Sahu, aged about
37 years, wife of Late Radhamohan
Sahu of Village & Post: Mathasurasingh,
Via: Kodala, Dist: Ganjam

... Applicant

By the Advocate: M/s. N.C. Pati
S.K. Bal

Versus

1. Sub-Divisional Inspector (Postal)
Berhampur, North Sub-Division, Berhampur
Ganjam-76000
2. Chief Post Master General, Bhubaneswar,
PMG Chhak, Bhubaneswar, Dist: Khurda
3. Union of India, represented through
the Secretary, Ministry of
Communications, Department of Posts,
Dak Bhawan, New Delhi-1

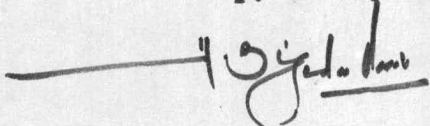
... Respondents

By the Advocate: Mr. Ashok Mishra,
Sr. Standing Counsel (Central)

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): The applicant's husband, Radhamohan Sahu, was appointed E.D.D.A. in Mathasurasingh E.D.B.O. in Berhampur Postal Division in April, 1975. Fifteen years later, (probably in 1990) he came to be suspected of misappropriation and forgery in a case of fraudulent payment of money orders. He was put-off duty on 23rd May, 1990, and proceeded under Rule 8 of Extra Departmental



Agents (C & S) Rules on 10th January, 1991. An enquiry officer was appointed on 2nd May, 1991. After barely two sittings of the inquiry, Radhamohan passed away on 6th March, 1992. The present applicant, - who has passed only Standard III but is otherwise literate and capable of reading and writing the vernacular and English, - represented to the Respondents for a suitable appointment on compassionate grounds. The case, considered by the Circle Relaxation Committee presided over by Respondent No.2, was turned down on the ground that the husband of the applicant did not have a clean record of service during his life-time.

The Respondents confirm these facts.

2. It is seen from the record of the case that the proceedings initiated against Radhamohan Sahu have had to be terminated on his sudden demise. However well-founded the preliminary conclusions of his misdemeanour may have been, these yet remained ^{as} no more than allegations inasmuch as the proceedings never reached finality. The charges not having reached a culmination leading to the eventual establishment of guilt against the deceased employee, - even if it was due to the fortuitous circumstance of his death, - it would be incorrect to hold decisively that Radhamohan did not have a clean record of service.

3. The applicant was just 37 when this application was filed. She has a long haul of life ahead. It is easy to see that life in her present circumstances cannot be at all ^{smooth}, burdened as she is with the necessity of

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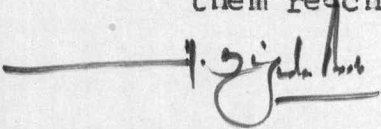
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aged
having to look after her parents-in-law besides a minor child. The reported annual income of less than four thousand rupees can hardly be considered adequate against the reality of present day costs of mere living.

4. It would, therefore, be an eminently humane gesture if the case of the applicant is reexamined by the respondents in the light of these observations, with a view to reaching an apt decision in the matter.

Annexure-4 is not being quashed, as prayed for by the applicant, in the hope that the case would no doubt receive a proper, unbiased and truly compassionate consideration from the Circle Relaxation Committee composed of high-powered, forward -looking and considerate senior officers of the department.

4. The applicant perhaps does not possess the educational qualification viewed against the current stipulations in this regard. It would, however, be well to remember that Radhamohan passed away in 1992, and thus the applicant may be said to have acquired the right to consideration in that same year. Accordingly, the minimum standards of education which were expected to be possessed by a candidate in 1992 shall have to be applied in this case. The applicant claims that she is quite fully literate. This claim can be got verified by the Respondents for veracity, if necessary. They may also make such other enquiries as may be considered advisable or essential in order to help them reach an appropriate decision in consonance



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with relevant rules.

5. The case of Smt. Sushama Kumari Sahu, widow of late Radhamohan Sahu, formerly, E.D.D.A., Mathesarasingha E.D.B.O., for appointment on compassionate grounds shall accordingly be reconsidered and a suitable decision be communicated to her within sixty days of the receipt by Respondent No.2 of a copy of this judgment.

Thus the Original Application is disposed of.

No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//

28 Jul 95