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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O. A. No. 729 of 1994

Cuttack this the 27<sup>th</sup> day of Oct. 1995

Mir Samsher Ali

...

Applicant

Versus

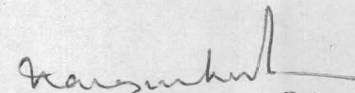
Union of India & Others

...

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

  
(N. SAHU) 27.10.95  
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O. A. No. 729 OF 1994

Cuttack this the 27<sup>th</sup> day of *Feb*, 1995.

CORAM:

THE HONOURABLE MR. N. C. SAHU, MEMBER (ADMINISTRATIVE)

....

Mir Samsher Ali aged about 26 years,  
son of late Mir Hidayat Ali,  
At-Postal Office Lane,  
Po-Kendrapara, Ps/Dist. Kendrapara  
at present working as Extra  
Departmental Mail Carrier at Tinmuhani  
Branch post Office under Kendrapara  
Head Post Office, Kendrapara.

..... Applicant

By the Applicant

..... M/s. S.K. Dey, B. B. Patnaik,  
M. K. Naik, B. K. Mohapatra,  
Advocates.

Versus

- 1) Union of India represented through its  
Secretary, Department of Posts, Dak Bhawan,  
New Delhi.
- 2) Chief Postmaster General Orissa Circle, Bhubaneswar.  
Dist. Khurda.
- 3) Circle Relaxation Committee, Office of the  
CPMG, Orissa Circle, Bhubaneswar.
- 4) Supdt. of Post Offices, Cuttack North Division,  
Cuttack.
- 5) Asst. Supdt. of Post Offices, Kendrapara Sub  
Division, At/Po/Dist. Kendrapara.

... Respondents

By the Respondents

..... Mr. Ashok Mishra, Senior Standing  
Counsel (Central)

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*[Signature]*




ORDER

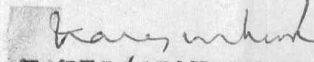
N.SAHU, MEMBER (ADMINISTRATIVE):

The applicant's father Mir Hidayat Ali, worked as E.D.Packer and Mail Carrier at Tinimuhani Branch Office, under Kendrapara Head post Office, for a period of over 27 years and died on 18.5.1994 in harness five years before retirement. The applicant, the deceased employee's son, sought an appointment on compassionate grounds. He was provisionally appointed from 15.7.1994 to 31.12.1994. As the only bread winner of the family expired while in service, it is claimed that the family is in dire financial strains. The Respondents, examined the applicant's case. They referred the matter to Circle Relaxation Committee. The Committee found that the applicant had read upto Class-VII. It also found that besides the ex-gratia gratuity of Rs.6,000/- the family possessed landed property whose annual income is Rs.7,500/-. It is next stated that the minimum educational qualification required for the post of E.D.M.C. cum E.D.Packer is Class-VIII and there is no provision for relaxation of educational qualification of wards of E.D.Employees. Hence the applicant's case was rejected and the same was communicated to the applicant.

2. I have heard the arguments of the respondents' counsel Shri Ashok Mishra . There was no one present for the petitioner's counsel and there was no request for adjournment either. After going through the pleadings, the case is disposed of.



3. The law is settled that in matters of compassionate appointment, there is no vested right. The Departmental authorities have to examine primarily as to whether the family is undergoing acute financial hardship and whether it deserves immediate succour. Secondly, the candidate must be a member of the family and must fulfill the required conditions/qualifications prescribed for such appointment. Both these conditions are not satisfied in this case. The landed property yielding an annual income of Rs. 7,500/- is <sup>not</sup> an insignificant amount, and secondly he is not qualified for consideration to the post of E.D.Packer cum Mail Runner. There is no discretion also left with the Respondents to relax educational qualifications though <sup>a</sup> there is provision to relax other conditions. I do not see any reason as to how the applicant can press his claim for a direction for compassionate appointment when he is not qualified for the same. The application is dismissed and accordingly the interim stay ordered by this Court on 16.12.1994 stands vacated. No costs.

  
MEMBER (ADMINISTRATIVE) 27.12.95

BKSahoo.