

3

57

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 733 OF 1994  
Cuttack, this the 13<sup>th</sup> day of March, 1996

Gajendra Barik

...

Applicant

Vrs.

Union of India and 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 Tribunal or not? No

*N. Sahu*  
(N. SAHU)  
MEMBER (ADMINISTRATIVE)

4

6

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.733 OF 1994  
Cuttack, this the 13<sup>th</sup> day of March, 1996

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

...

Sri Gajendra Barik,  
aged about 32 years,  
son of late Birabar Barik,  
At/P.O-Gadadharpur,  
Via-Ghatgaon,  
District-Keonjhar

....

Applicant

By the Advocates

-

M/s Deepak Misra,  
R.N.Naik, B.S.Tripathy,  
D.K.Sahoo & P.Panda

-versus-

1. Union of India, represented by Its Secretary,  
Ministry of Communication,  
Department of Posts,  
Dak Bhawan, New Delhi.
2. Chief Post Master General,  
Orissa Circle,  
Bhubaneswar, District-Khurda.
3. Post Master General,  
Sambalpur Region,  
Sambalpur.
4. Superintendent of Post Offices,  
Keonjhar Division, Keonjhargarh,  
District-Keonjhar

....

Respondents

By the Advocate

-

Sri Ashok Misra,  
Senior Central Govt.  
Standing Counsel.

....



O R D E R

N. SAHU, MEMBER (ADMINISTRATIVE)

This Application is directed against the order of the Post Master General, Sambalpur, dated 1.12.1994 rejecting the applicant for appointment to the post of E.D.B.P.M., Gadadharpur B.P.O., on compassionate grounds consequent on the death of his father Birabar Barik on 22.12.1993 leaving behind dependants in a family comprising of his widow and two major sons. The daughters of the family were already married. It is submitted that of the two sons the eldest Sri Ramesh Chandra Barik is separately living in Bihar. The local Sarpanch of Gadadharpur Grama Panchayat issued a certificate to this effect (Annexure-2). It is submitted by the learned counsel for the applicant, Sri B.S. Tripathy inviting my attention to the Directorate's circular letter dated 2.2.1994, sub-para (iv) to the effect that where there is already an earning member in the family but Mukhia/Sarpanch or an M.P./M.L.A. certifies that the employed member is living separately and not rendering any financial assistance to the main family, the request for compassionate appointment may be entertained. It is in this regard the learned counsel has drawn my attention to the certificate of the Mukhia/Sarpanch relating to the independent establishment of the eldest son in Bihar. It is urged by Sri Tripathy very vehemently that there was no justification to reject the claim only keeping in view the earning capacity of the eldest son to judge the applicant's indigence. In fact, Sri Gajendra Barik and his mother, it is

trah

submitted, are in dire straits of financial stringency. It is also submitted that the applicant is duly qualified for an appointment for the post of E.D.B.P.M.

2. The learned Senior Standing Counsel submitted that the Circle Relaxation Committee has carefully considered all the relevant data. The family of the deceased owns landed property extending to A.2.89 decimals which yields an annual income of Rs.5000/-. Besides the appointment of the eldest son in the Railways, the wife of the applicant is also serving as an Auxiliary Nurse and Midwife in the State Government and receives a pay-scale of Rs.1050 plus D.A. The Circle Relaxation Committee in its meeting held on 15.11.1994 considered the above background and rejected the claim of compassionate appointment. It is also stated at para-10 of the counter-affidavit that if the applicant is really solvent upto Rs.35,600/-, it is automatically a case not of penury and financial insolvency.

3. I have carefully considered the submissions. The question at issue is whether the family of the deceased is in such precarious financial status as to need immediate succour of compassionate appointment. The family of the deceased consists of the widow and two sons. The eldest son, it is assumed and admitted, is living separately with his family. As far as the second son is concerned, his wife admittedly receives a monthly income of more than Rs.1000/- plus D.A. as A.N.M. Besides the above, the family owns agricultural land yielding an annual income of Rs.5000/-. The Circle Relaxation Committee



has considered all these aspects and has come to the conclusion that the family is not in need of immediate financial assistance by way of compassionate appointment. The only person who needed assistance is the widow and she is not an applicant at all for any post. In view of the above discussion, I do not find any merit in this Application. The Application is dismissed. The parties will bear their own costs.

*N. Sahu*  
(N.SAHU) 13/3/96  
MEMBER (ADMINISTRATIVE)

Nayak, P.S.