

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.741 OF 1994

Cuttack, this the 30th day of June, 1997

C O R A M

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

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Indramani Tandi,
 aged about 26 years,
 adopted son of late Raghuman Tandi,
 resident of Village/PO-Jamkhunta,
 Via-Sindhekela,
 District-Bolangir,
 at present working as E.D.M.C.,
 Jamkhunta B.O.,
 Via-Sindhekela

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Applicant.

-versus-

1. Union of India, Department of Posts,
 Dak Bhawan, New Delhi-110 001.
2. Chief Post Master General, Orissa,
 Bhubaneswar
3. Superintendent of Post Offices,
 Bolangir Division,
 Bolangir-767 001.
4. Sub-Divisional Inspector of Post Offices,
 Titilagarh Sub-Division, Titilagarh-767 039
 District-Bolangir. Respondents.

Advocate for applicant - Miss.S.L.Patnaik

Advocate for respondents - Mr.Ashok Mohanty.

O R D E R
 (ORAL)

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of
 Administrative Tribunals Act, 1985, the applicant has

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prayed for getting an appointment on compassionate ground. In the alternative, it has been prayed that the temporary service of the applicant may be regularised from the date of such temporary appointment. It seems that the applicant's prayer for compassionate appointment was rejected in order dated 30.11.1994 (Annexure-3). At the time of admission of the O.A. on 21.12.1994, it was ordered that the respondents shall not enforce the direction given in Annexure-3 until further orders of the Tribunal.

2. The applicant's case is that he is the adopted son of Raghmani Tandi, who was working as E.D.M.C., Jamkhunta B.O. and while working as such, died on 7.8.1993. Thereafter, the applicant, as the adopted son of Raghmani Tandi, applied for compassionate appointment. Certain documents, etc., were also collected from him and he was provisionally appointed as E.D.M.C. on temporary basis with effect from 7.8.1993 for a period of three months or till a regular appointment is made, whichever is earlier. The applicant's grievance is that the Circle Relaxation Committee has rejected the prayer for compassionate appointment, the communication of which has been made to him in order dated 30.11.1994.

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3. The respondents in their counter have pointed out that according to the departmental Rules, the qualification required for the post of E.D.M.C. is Class VIII whereas the applicant has read upto Class V. Moreover, Mst. Maricha Tandi, the widow of late Raghuman Tandi, ex-E.D.M.C., complained to the departmental authorities that the applicant is not looking after her family consisting of five members including four children. In consideration of this complaint, in order dated 7.2.1996 the Tribunal directed respondent no.3 to depute a responsible officer to the village and to ascertain the actual position by personal inquiry. Accordingly, the respondents have got the matter thoroughly enquired into and the Enquiring Officer has also submitted his report. From the enquiry report, it appears that the family of the ex-E.D.M.C. consists of the widow, one daughter and five sons including the applicant, the adopted son. It also appears that the widow complained that in spite of several requests by her, the applicant is not looking after the family of Raghuman Tandi. In view of this, it has been submitted by the widow that her daughter Santosini Tandi should be given compassionate appointment for helping the family

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which is in indigent circumstances.

4. I have carefully perused the records. As the purpose of giving compassionate appointment is for helping the indigent family of the deceased employee and as from the statement of the widow of the ex-E.D.M.C., it is seen that the applicant is not helping the family, giving compassionate appointment to him will not help the indigent family of the ex-E.D.M.C. Moreover, the applicant has not got the minimum educational qualification for appointment as E.D.M.C. In consideration of this, it is held that the application is without any merit and the same is rejected but without any order as to costs. It is also ordered that the departmental authorities will consider the case of Santosini Tandi, the daughter of Raghuman Tandi, ex-E.D.M.C., for giving her compassionate appointment under the Rules. Such consideration should be completed within a period of 90 (ninety) days from the date of receipt of a copy of this order. The interim order dated 21.12.1994 stands vacated.

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VICE-CHAIRMAN