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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.762 OF 1994

Cuttack, this the 4th August, 1995

Sri Parsuram Nayak ... Applicant

Vrs.

Union of India & others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters No.
or not?

2. Whether it be circulated to all the No.
Benches of the Central Administrative Tribunal
or not?

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(H. RAJENDRA PRASAD)

MEMBER (ADM.)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.762 OF 1994

Cuttack, this the 4th day of August, 1995

CORAM:

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

Sri Parsuram Nayak, aged about 65
years, son of late Dhruba Charan Nayak,
of village Patia, P.S-Chandrasekharpur,
District-Khurda

... Applicant

By the Advocates - M/s P.K.Rath &
M.Dash.

-versus-

1. Union of India, represented through
Director General of Posts, Dak Bhawan,
New Delhi.
2. Chief Post Master General, Orissa Circle,
Bhubaneswar-751 001, Dist.Khurda
3. Senior Superintendent of Post Offices,
At/P.O-Bhubaneswar, Dist.Khurda.
4. Assistant Superintendent of Post Offices
in-charge, Bhubaneswar North Sub-Division,
Bhubaneswar-751 001, Dist.Khurda Respondents

By the Advocate

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

...

O R D E R

H. RAJENDRA PRASAD, MEMBER (ADMN.) Heard Shri P.K. Rath and Shri Ashok Mishra for the applicant and the respondents, respectively.

2. The applicant, an E.D.Packer of Patia E.D.Sub-Post Office under Bhubaneswar Postal Division, had to remain frequently absent requiring recurring spells of leave due to ill-health. During such periods his son, Shri Chiranjibi Nayak, acted as his substitute-nominee aggregating a total of 574 days during 1986 to July, 1992. This is not denied by the Respondents. The applicant retired on superannuation on 1.1.1995 and thereupon applied to the authorities for a compassionate appointment for his son.

3. The case of Shri Chiranjibi Nayak is not covered by the existing rules governing compassionate appointment in the Department. Such appointments are not provided for where the employee retires on superannuation in normal course. Nor is the medical invalidation a valid ground for such appointments in the case of E.D.D.As. The prayer on this score is not therefore acceptable under the provisions of the existing scheme.

4. The ends of justice would be served adequately if the case of Shri Chiranjibi Nayak is also considered for suitability along with other candidates whose names may have been sponsored by the concerned

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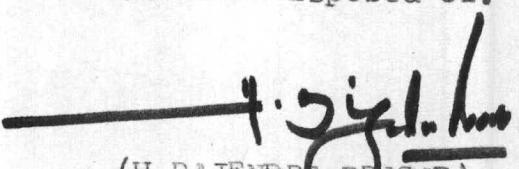
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Employment Exchange for the post of E.D.Packer, Patia Sub-Post Office. Employment Exchange sponsorship need not be insisted upon in the case of the present applicant. Respondent No.3 may also take into consideration his past association and experience in the post ^{if} and to the extent permissible under the rules.

Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

04 Aug 95

Nayak, P.S.