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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.827 OF 1994
Cuttack, this the 2nd day of May, 1997

Shri Ananda Chandra Rana Applicant

Vrs.

Union of India and others Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? Yes.
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

S. S. OM
(S. S. OM)
VICE-CHAIRMAN
2-5-97

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ORIGINAL APPLICATION NO. 827 OF 1994

Cuttack, this the 2nd day of May, 1997

CORAM:

HONOURABLE SRI S.SOM, VICE-CHAIRMAN

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Shri Ananda Chandra Rana,
aged about 30 years,
son of Shri Nrusingha Rana,
At/P.O-Chhamundia,
Via: Gania, District-Nayagarh

....

Applicant

-versus-

- 1) Union of India, represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi.
- 2) Chief Post Master General, Orissa Circle, Bhubaneswar, District-Khurda.
- 3) Senior Superintendent of Post Offices, Puri Division, At/P.O/District-Puri.
- 4) Sub-Divisional Inspector of Post Offices, Nayagarh West Sub-Division, At/P.O/Dist. Nayagarh.... Respondents

Advocates for applicant - M/s R.N.Naik,
A.Deo, B.S.Tripathy,
P.Panda & P.K.Misra.

Advocate for respondents - Mr.Ashok Mishra.

ORDER

S.SOM, V.C.

In this application under Section 19 of the Administrative

Tribunals Act, 1985, the applicant prays for appropriate direction to the respondents to consider his case for compassionate appointment

2. Facts of this case are that applicant's elder brother was working as E.D.B.P.M. in Chhamundia Branch Post Office. He died on 25.12.1993 leaving his widow, a son of one and half years of age, his father, and the present applicant, the younger brother.

*Commiss J.M.
25.5.97*

after death of elder brother of the applicant, his widow applied for appointment to the post of E.D.B.P.M. on compassionate ground and while her case was under consideration, the widow also expired on 8.2.1994. Thereafter, the present applicant, the younger brother of the deceased Government employee, applied for compassionate appointment. His case was recommended apparently by the local M.L.A., the local Sarpanch (Sri Krutartha Behera), and the Chairman, Gania Panchayat Samiti, in their letters at Annexure-6 series. The respondents in their letter dated 2.12.1994 have informed the applicant that his case has been considered and rejected by the Circle Relaxation Committee. Under these circumstances, the applicant has come before the Tribunal with the prayer referred to earlier.

3. I have heard the learned lawyer for the applicant as also the learned Senior Standing Counsel appearing on behalf of the respondents. The respondents in their counter have pointed out that a brother is not dependent member of the family and therefore, on the death of the elder brother of the present applicant, his case cannot be considered on compassionate ground for appointment. The respondents have also pointed out that the minor son of the deceased employee is not being looked after by the present applicant. The child has been taken away by his maternal uncle and is being brought up in his house. From the materials available on record, I find that in Office Memorandum dated 9.12.1993 of the Department of Personnel and Training, following the decision of the Hon'ble Supreme Court in the case of Auditor General of

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India and others v. Shri G. Ananta Rajeswara Rao, decided in judgment dated 8.4.1993, the relevant portion of which has been quoted in the Office Memorandum, it has been laid down that no near relative will henceforth be eligible for appointment on compassionate ground and it is only a widow, or son, or daughter, or adopted son, or adopted daughter of a deceased Government servant, who can be considered for appointment on compassionate ground. This Office Memorandum is at Annexure-R-1 to the counter. In this view of the matter, the present applicant has no case. It is further noticed that the same Sarpanch, Sri Krutartha Behera, who had strongly recommended the case of the applicant in his letter dated 25.3.1994, referred to earlier, had written another letter to the departmental authorities within two months thereafter on 26.5.1994, stating that the child of the deceased employee has been taken away by his maternal uncle's family and the present applicant is not looking after the child and, therefore, it would not be proper to give any compassionate appointment to the applicant. I mention this only to bring out the point, which I hope is self-evident to the departmental authorities, that in matters of compassionate appointment, it would be dangerous to go solely by the recommendation of M.L.As and Sarpanches as they may often be subject to local pressure.

4. In consideration of the above, I hold that the Original Application is without any merit and the same is rejected, but, under the circumstances, without any order as to costs.

Somnath Som
(S.SOM)
VICE-CHAIRMAN
25.9.97