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(4)

Pronounced in the Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 136 of 1995

Cuttack this the 16th day of August, 1996

Rajani Behera

...

Applicant(s)

Versus

Union of India & Others ...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether ~~it~~ be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

N. Sahu
(N. SAHU) 16/8/96

MEMBER (ADMINISTRATIVE)

CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No.136 of 1995

Cuttack this the 16th day of August, 1996

C O R A M:

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

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Rajani Behera aged about 29 years,
W/o. Late Suresh Chandra Behera
Ex-E.D.D.A., Bhanjanagar
At/POP Bhanjanagar
Dist : Ganjam

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Applicant

By the Advocate:

M/s. S.D. Das
B.N. Udgata
H.S. Satpathy

Versus

1. Union of India
represented through the Secretary
Ministry of Communication
New Delhi
2. Chief Post Master General
At/PO: Bhubaneswar
Dist : Khurda
3. Postmaster General
Berhampur Division
At/PO: Berhampur
Dist : Ganjam
4. Superintendent of Post Offices,
Aska Division
At/PO: Aska
Dist : Ganjam

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Respondents

By the Advocate:

Mr. Ashok Mishra
Standing Counsel
(Senior Panel)

...

PRONOUNCED IN THE OPEN COURT

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O R D E R

MR. N. SAHU, MEMBER (ADMN): In this application the applicant challenges the order passed by the Superintendent of Post Offices, Aska Division (Respondent No.4) vide Annexure-2 wherein he conveyed the decision of the Circle Relaxation Committee, Bhubaneswar, rejecting the applicant's claim for compassionate appointment. The applicant is a widow of late Suresh Ch. Behera, who worked as Extra Departmental Delivery Agent, Bhanjanagar Head Office till he died on 28.5.1994. He left behind his wife (the applicant) and three minors. Her application for compassionate appointment was rejected by the Circle Relaxation Committee on the main ground that she would not be capable of performing the work of Extra Departmental Delivery Agent. There is no dispute in the counter-affidavit filed by the respondents that the family is indigent. Having passed Class-II, the applicant's qualification was no doubt inadequate. But at para-4 of the counter, the Circle Relaxation Committee's opinion was that this qualification could be waived in the case of EDDA appointments. It is averred by the respondents that the applicant's family received on the death of late Suresh Ch. Behera a sum of Rs.6000 by way of exgratia gratuity. Except this pittance there is no other source of income and no other property.

2. The alternate plea on behalf of the petitioner is that she could be considered for the post of E.D. Facker or Stamp Vendor. The basic criterion for compassionate

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appointment is the indigence of the family. On facts also it is found that there is no source of income of the applicant to sustain the livelihood of a family of four. It is stated that the applicant could not even pursue her studies in Class III because of sheer poverty and the overpowering need to ekeout a livelihood. In a compassionate appointment, there is no need to rigidly adhere to all the eligibility criteria of a regular appointment.

3. In the counter it has been stated that no posts of E.D.Packers are lying vacant in Bhanjanagar Head Office. But at page 3 of the rejoinder, it is stated that one post of E.D.Packer is lying vacant in Bhanjanagar Head Office. The counsel for the applicant Shri B.N.Udgata states at the Bar that his client is willing to work as E.D.Packer wherever she is posted.

4. In view of the fact that the applicant deserves to be considered for compassionate appointment, and as no other infirmity for such an appointment has been made out on record before me, Respondent No.2, v.z., Chief Post Master General, Orissa Circle, Bhubaneswar, shall consider the applicant's case for an appointment as E.D.Packer either in Bhanjanagar Head Office (if the post is vacant) or in any post office under Aska Division, within a period of four weeks from the date of receipt of this order. When once abject penury is established on facts as it is in this case, and where it is a fit case for immediate

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succour, any delay in appointment defeats the very purpose. If appointment to the post of E.D.D.A. is not possible, Respondent 2 shall consider appointment of the applicant to an equivalent alternative job.

5. In view of the above, the Original Application is allowed. No order as to costs.

Narasimhaiah
(N. SAHU) 16/8/96
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//