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CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH, CYTTACK.

ORIGINAL APPLICATION NO. 486 OF 1995.

Cuttack, this the 23rd day of June, 1997

Smt. Debaki Samal and another Applicants.

-Versus-

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 *no.* of the Central Administrative Tribunal or not?

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
23.6.97

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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 486 OF 1995.

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C O R A M:

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

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- 1) Smt. Debaki Samal,
aged about 57 years,
At/P.O-Odasingh, Via-Rameswar, P.S. Salipur,
District-Cuttack.
- 2) Jadab Chandra Samal,
aged about 27 years,
son of late Aparti Charan Samal,
At/P.O-Odasingh, Via-Rameswar,
P.S. Salipur, Dist. Cuttack Applicants.

-Versus-

- 1) Union of India, represented by
its Secretary, Communication,
Department of Posts, New Delhi.
- 2) Chief Post Master General,
Orissa Circle, Bhubaneswar.
- 3) Senior Superintendent of Post Offices,
Bhubaneswar Division, Bhubaneswar,
District-Khurda Respondents

*Somnath Som
23.6.97.*

Advocates for Applicants	-	M/s. Ganeswar Rath & S. Misra.
Advocate for Respondents	-	Mr. Ashok Misra.

O R D E R.

Somnath Som, Vice-Chairman

Applicants, in this case, are the widow and the
son of Aparti Charan Samal who was working as Sorting
Assistant in General Post Office, Bhubaneswar. Aparti Charan

Samal joined service on 6.11.1955 and passed away while in service on 12.7.1989 leaving behind his widow, three daughters and three sons. The first two daughters were married in life time of the father. It is submitted in the application that the first two sons are married and living separately. The family of the deceased employee thus consists of the widow (applicant no.1), one unmarried daughter and the youngest son (applicant no.2). After the death of the father on 12.7.1989, applicant no.2 applied on 12.12.1989 for compassionate appointment because of indigent circumstances of the family. The widow also applied for giving compassionate appointment to her third son. It is submitted that the first two sons also gave in writing that compassionate appointment may be provided to applicant no.2 who will look after the family of the deceased Government employee. But the applicants' case was not taken up for consideration and hence they have come up in the present application.

*Samal Jm
23.6.97*

2. The respondents in their counter have pointed out that after death of husband of applicant no.1, family pension was sanctioned to applicant no.1 and other pensionary benefits were also released. The first son of the

deceased employee, according to the counter, is working in Labour Department of Government of Orissa drawing salary of Rs.2000/- per month and the avocation of the second son is not known to the Department. From the income certificate issued by the concerned Tahasildar, it appears that applicant no.2 has income of Rs.2000/- from the agricultural land and another Rs.3000/- from daily wages, i.e., total Rs.5000/- annually. Considering all this, the respondents have come to the finding that the condition of the family is not indigent and therefore, it has been held that applicant no.2 is not entitled to get compassionate appointment.

*Sammannidhan
23.6.97*

3.I have perused the record and have also heard Sri Ganeswar Rath, the learned lawyer for the applicants, and Sri Ashok Misra, Senior Panel Counsel, appearing on behalf of the respondents, carefully.

4.It has been submitted by the learned lawyer for the applicants that payment of family pension to applicant no.1 and other dues like gratuity, etc., cannot be a bar for compassionate appointment. The departmental authorities have to take a view whether the condition of the family is indigent. The fact that certain pensionary benefits have been given to the widow would not necessarily mean that the family is not in indigent circumstances. But in this case, I find that the widow is in receipt of Rs.675/- of

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pension per month plus Pension Relief on that. This is a steady monthly income for the widow. Applicant no.2 , as per the income certificate, has income of Rs.5000/- annually. Moreover, at the time of death of the father, applicant no.2 was already a major. Lastly, the first son of the deceased employee is in Government employment and there is no reason why the widow should not look upto his first born to provide some help to the family. So far as the second son is concerned, it is submitted by the learned lawyer for the applicants that he is unemployed, but, as has been mentioned in paragraph 4(d) of the application, he is married and living separately and while being unemployed he may not be in a position to help the family ,he obviously is not a burden on the family as he is living separately. Therefore, in consideration of the facts, I do not see anything wrong in the departmental authorities holding that the condition of the family is not indigent. The applicants, to my mind, have not been able to make out a case for compassionate appointment.

5.In consideration of the above, I hold that the application is without any merit and the same is dismissed, but, under the circumstances, without any order as to costs.

Somnath Som.
(SOMNATH SOM.)
25.6.97
VICE-CHAIRMAN