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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 175 of 1996

Cuttack this the 23rd day of July, 1996

Smt. Malli Sahu & another ... Applicant(s)

Versus

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO

Mallu Sahu
(N. SAHU) 23/7/96
MEMBER (ADMINISTRATIVE) —

CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 175 of 1996

Cuttack this the day of July, 1996

C O R A M:

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

1. Smt. Malli Sahu, aged about 49 years, W/o. Late Dandapani Sahu
2. Sankarshan Sahu, aged about 25 years, S/o. Late Dandapani Sahu

S1. No.1 is the widow and S1. No.2 son of Late Dandapani Sahu, Ex-Sub-Post Master, Kancheru 50 Aska, Division, Orissa Circle, at present residing at Hinjilicut, PO/PS: Hinjilicut, Dist: Ganjam

... Applicants

By the Advocate:

M/s. C.A. Rao
S.K. Behera
P.K. Sahoo

Versus

1. Union of India represented by its Secretary to the Government in the Department of Tele Communication, New Delhi
2. Director General
Department of Posts
New Delhi
3. Chief Post Master General,
Orissa Circle, Bhubaneswar
Dist:Khurda
4. Superintendent of Post Offices
Aska Division, Aska-761110
Dist:Ganjam, Orissa

.. Respondents

By the Advocate:

Mr. Ashok Mohanty
Sr. Standing Counsel
(Central Government.)

O R D E R

MR.N. SAHU, MEMBER (ADMINISTRATIVE) : This is a claim for compassionate appointment arising out of the following facts. One Dandapani Sahu, while serving as Sub-Post Master in the Office of Kancharu Sub Office, Aska Postal Division, expired on 20.10.1992, i.e. six years before the normal date of superannuation. He died leaving two married daughters out of whom one is a widow, one married son, one un-married daughter and two un-married sons. By Annexure-7 dated 6.2.1995, the Director General, rejected the claim on the ground that the eldest son has been serving as a Junior Engineer (Civil) in the scale of Rs.1400-2300. The widow is getting family pension, one daughter would soon complete certified teacher's training and another son had passed M.B.A. Shri Ashok Mohanty, learned Senior Standing Counsel appearing for the respondents submits that besides the pension of Rs.900 the applicant gets the D.A. and interim relief due to pensioners. He further stated that the retirement benefits aggregating to Rs.1,54,000.98 were by no means a modest amount for a middle class family. He states that the surviving members cannot be held to suffer from penury. As compassionate appointment has to be given to deserving cases under dire financial straits requiring immediate succour and as the applicant has not come within that category, his claim was correctly negatived by the respondents. For this purpose, he cited the decision in A.I.S.L.J (6) 94 (2) 111.

2. Shri C.A Rao, appearing for the applicants

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strenuously urged that the employment of the eldest son as Junior Engineer has been of no assistance to the bereaved family, because he remains separated even from the date of his employment and after his marriage, viz. in the year 1988 and his separation is proved by an unregistered partition deed. He cited the decision of the Punjab & Haryana High Court in 1987 (3) SLJ 186 and also the decision of the Madras Bench in 1992 (1) SLJ 9 wherein it was held that earning by one member of the family, who in fact and in substance did not assist the surviving members should not come in the way of consideration for compassionate appointment. He further cited a decision in 1990 (3) SLJ 403 wherein a claim for compassionate appointment of the 4th son was upheld when three other sons are employed but stayed separately. Shri Rao urged that the widow of late Dandapani Sahu had to look after a widowed daughter and unmarried daughter and two other unemployed sons. An unemployed M.B.A. son is no source of comfort for the family.

3. I have carefully considered the submissions of rival counsels. The fact remains that the applicants' family has a building at Hinjilikat. The widow received a substantial amount by way of retirement benefit which would yield interest of around Rs.1000 in a month, if invested in a Bank. The monthly family pension plus D.A. and interim relief are not insignificant. The son and the daughter who have professional qualifications are eminently equipped to earn income. Even if we ignore the eldest son's employment as

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a Junior Engineer in PHD, I am satisfied that this is not a case of a family which is in grave financial straits and needs immediate succour for sustenance. A compassionate appointment can only be given to such deserving cases. The High Power Committee of three senior officers considered this case. They rightly held that the applicants' case did not deserve any compassionate appointment. It cannot be said that the High Power Committee erred in coming to that conclusion.

The application is dismissed. No costs.

Narashankar,
(N. SAHU) 23/7/96
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//