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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O. A. NO. 374 OF 1996

Cuttack this the 1st day of May, 1997.

SHRI PRAKASH CHANDRA PRADHAN. APPLICANT
-VERSUS-
UNION OF INDIA & OTHERS. RESPONDENTS.

(FOR INSTRUCTIONS)

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

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VICE - CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 374 of 1996

Cuttack this the 1st day of May, 1997.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

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IN THE MATTER OF:

Shri Prakash Chandra Pradhan,
S/o. late Narahari Pradhan,
Vill./Post-Gethagaon,
Dist- Ganjam (O).

.... **Applicant.**

By the Legal Practitioner :- Mr. P.K. Padhi, Advocate.

-VERSUS-

1. Union of India, represented through its Chief Postmaster General (Orissa Circle), At/PO, Bhubaneswar, Dist-Khurda-751 001.
2. Senior Superintendent of Post Offices, Berhampur Postal Division, At/PO. Berhampur, Dist. Ganjam(O).
3. Sub-Divisional Inspector (Postal), East Sub Division (Paralakhemundi), At/PO. Paralakhemundi, Dist. Gajapati. **Respondents.**

By the Legal Practitioner :- Mr. Ashok Mohanty, Senior Standing Counsel (Central),

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O R D E R

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MR. SOMNATH SOM, VICE-CHAIRMAN.

In this application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for compassionate appointment.

2. The facts of the case are that the applicant's father while working as Extra Departmental Mail Carrier at

Ghatgaon Branch Post Office died on 7.4.1995 leaving his widow, two sons and two daughters. The present applicant is the second son of the deceased employee. His claim for compassionate appointment has been rejected in order dated 23.11.1995 at Annexure-3. In the present application, the applicant has challenged the above decision.

2. Respondents, in their counter, have pointed out that both the daughters are married and the first son is employed in the Postal Department and on that ground it has been held by the Circle Relaxation Committee that the family ⁱⁿ is not indigent circumstances.

3. I have heard the learned counsel for the petitioner and learned Senior Standing Counsel appearing for the Opposite Parties. It is submitted by the learned Counsel for the petitioner that the first son i.e. the applicant's elder brother is working elsewhere and has his own family and is unable to look after the family of the deceased employee. It is submitted by the learned Sr. Standing Standing Counsel that the applicant himself is married and having this shows that he must be some dependable means of livelihood. Learned counsel for the petitioner has referred me to the circular dated 2.2.94 where according to him it has been laid down that even in the cases where one member of the family is employed, compassionate appointment to another member can be given if the financial condition of the family requires

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such support. I find from Sl. No. 5, at page-3, of the Circular which is at Annexure-X that it has been clarified by the Departmental Authority that where one member of the family is already employed, the Circle Relaxation Committee can take a view on the request of another member who is dependent of the deceased employee on a case by case basis. In this case, the Circle Relaxation Committee have taken a view that the family is not in indigent circumstances. I see no reason why Government should provide compassionate appointment to the applicant for maintaining his family i.e. his wife and widow mother when the first son of the deceased employee is not looking after the family as has been admitted by the learned Counsel for the petitioner. In consideration of the above, I hold that the application is without any merit and is rejected. In the circumstances, however, there would be no order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
15/12/92

KN Mohanty, C. M.