

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.343 OF 1998
Cuttack this the 13th day of November, 1998

PRONOUNCED IN THE OPEN COURT

Smt.Labanya Dei

Applicant(s)


Versus

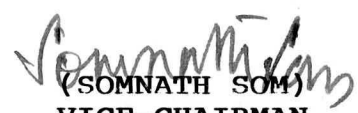
Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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


(G.NARASIMHAM)
MEMBER(JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

13.11.98

4

**CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

**THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)**

...

Smt.Labanya Dei,
W/o.Late Rajendra Naik
aged about 29 years,
At/PO:Kankada, P.S.Baria
Dist:Keonjhar

...

Applicant

By the Advocates : M/s.Sisir Das
A.K.Mohanty

-Versus-

1. Union of India represented
through its Secretary,
Department of Postal Services,
Central Secretariat
New Delhi
2. Chief Post Master General,
Bhubaneswar, P.M.G.Square
Bhubaneswar, Orissa
3. Post Master General,
At:Sambalpur,
Po/Dist:Sambalpur
4. Superintendent of Post Offices
Keonjhar Division
Keonjhar

...

Respondents

S Som
By the Advocates : Mr.Ashok Mohanty,
Sr.Standing Counsel
(Central)

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ORDERMR. SOMNATH SOM, VICE-CHAIRMAN:

1. Learned counsel for the petitioner is not present when called nor any request has been made on his behalf seeking an adjournment. This matter relates to compassionate appointment where pleadings have been completed. In view of this it is not proper to keep the matter pending. Therefore, the matter is taken up for hearing.

2. We have heard Shri Ashok Mohanty, learned Senior Standing Counsel appearing on behalf of the respondents and have also perused the record. The facts of this case, according to petitioner are that she is the widow of late Rajendra Naik, Extra Departmental Branch Post Master, Kankada B.O. Rajendra Naik passed away on 10.6.1997 while in service and the petitioner applied for rehabilitation assistance for being appointed as Extra Departmental Branch Post Master in place of her husband at Kankada Post Office. Even though her case was considered by the departmental authorities, her application was rejected on the ground that she has not passed Matriculation and she did not have the minimum educational qualification for being appointed as E.D.B.P.M. The villagers of Kankada also made representation to the departmental authorities for providing the applicant a job, but without any result. In the meantime Respondent No.4 in letter dated 25.6.1998 called for applications from open market for filling up of the post of E.D.B.P.M., Kankada B.O., and that is why the applicant has come up in the present

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9


3
application with a prayer to appoint her as Extra Departmental Branch Post Master, Kankada B.O. and not to fill up the said post by other candidate till the disposal of this Original Application. On 6.8.1998, by way of interim relief we had ordered that in case the post of Extra Departmental Branch Post Master, Kankada B.O. is filled^{up}/the same shall be subject to the result of this application and this condition should be specifically mentioned in the appointment order of the person so selected and appointed.


3. The respondents in their counter have pointed out that the case of compassionate appointment of the applicant was taken up, but as she did not have the minimum educational qualification, she could not be appointed as E.D.B.P.M. Therefore, she was offered appointment as Stamp Vendor, Joda Sub Post Office vide Sub-Divisional Inspector, Champua letter dated 1.7.1998 as there was no vacancy nearby her residence, but the applicant did not join the said post. The respondents have pointed out that in accordance with circular dated 2.2.1994 issued by Director General(Posts) relaxation of educational qualification for the purpose of compassionate appointment is not permissible in respect of E.D.B.P.M. That is why the respondents have opposed the prayer of the petitioner.

4. We have heard Shri Ashok Mohanty, learned Senior Standing Counsel appearing on behalf of the respondents and have perused the record. Considering the fact that the petitioner is a young widow with a minor daughter and considering the fact that the respondents have considered

her eligible and deserving to be given appointment under compassionate ground, this Original Application is disposed of with a direction to the departmental authorities that her case for compassionate appointment may be kept pending and she may be provided with compassionate appointment in the same type of job which was offered to her, when a vacancy arises within a distance of 10 kms. from Kankada. In case there is no E.D.B.O. within 10 kms. radius, then the petitioner should be offered a job in the nearest ~~Post Office~~ *J. Som.* or E.D.B.O.

5. With the above direction Original Application is disposed of without any order as to costs.


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN
13.11.98

B.K. SAHOO