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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 563 OF 1998.

Cuttack, this the 1st day of . 2000.

March

SMT. UMAMANI DAS.

...

APPLICANT.

Versus

UNION OF INDIA & OTHERS.

...

RESPONDENTS.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? 75-
2. Whether it be circulated to all the Benches of the  
Central Administrative Tribunal or not? 107-

(SOMNATH SOM)  
VICE-CHAIRMAN

(G. NARASIMH)  
MEMBER (JUDIC )

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 563 OF 1998.  
Cuttack, this the 1st day of March 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Smt. Umamani Das,  
Aged about 47 years,  
w/o. Late Gangadhar Das,  
presently residing at Purunabazar,  
Bhadrak, PO/Dist. Bhadrak. ...

APPLICANT.

By legal practitioner : Mr. T. Rath, Advocate.

- Versus -

1. Union of India represented through  
the Chief Postmaster General,  
Orissa, Bhubaneswar, At/Po. Bhubaneswar,  
Dist. Khurda.
2. The Superintendent of Post Offices,  
Bhadrak Division,  
At/Po./Dist. Bhadrak.

..... RESPONDENTS.

By legal practitioner: Mr. B. K. Nayak,  
Additional Standing Counsel (Central).

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL):

Applicant, widow of Gangadhar Das, who died while in service under the Respondents on 28.5.1996, in this Original Application, prays for appointment of her son Sarbeswar Das, under re-habilitation Assistance Scheme. Her representation to the Department for appointment of her son under that scheme has been disallowed by the Circle Relaxation Committee which met on 19.3.1998 (Annexure-R/4). Hence this application.

2. Facts not in controversy are as follows:

A C.B.I. case <sup>was</sup> ~~those~~ booked against late Gangadhar Das and his son Sarbeswar Das on the allegation that while Gangadhar Das <sup>was</sup> ~~is~~ serving as Sub Postmaster at Bhadrak Purunabazar Sub Post office from 26.10.1992 to 28.6.1994 forged the signatures of Abdul Bari Khan holder of Savings Bank Pass Book Account No. 780976 and managed to withdraw a sum of Rs. 20,000/- from that account on 27.4.1994 and mis-appropriated the same. This has been done after replacing the original specimen signatures of the account holder with the fresh specimen signatures written by Sarbeswar Das. During the pendency of the Crl. Case, Gangadhar Das died and the case against him stood abated. By order dated 15.1.1997, learned Additional Chief Judicial Magistrate, Bhubaneswar (Annexure-R/2) discharged Sarbeswar Das u/s. 227 Cr.P.C. without framing charge against him.

3. The case of applicant is that her husband, Gangadhar Das, after a prolonged illness of cancer and consequent treatment died, leaving the entire family in distress. The family consists of applicant, her grown up daughter who is still prosecuting studies, Sarbeswar Das, son and other two school going children. For the treatment of her husband, the family had incurred heavy loans and the family members are now ~~in~~ hand to mouth. The Circle Relaxation Committee, disallowed the benefits of rehabilitation Assistance scheme arbitrarily and illegally.

4. The stand of the Department is that Sarbeswar Das for whom compassionate appointment is sought had assisted his father in forging the specimen signature of SB account holder and thus facilitated his father in withdrawing the amount of Rs. 20,000/- from that account without the knowledge of the account holder and as such is not a fit person for the job. Taking this fact into consideration, the Circle Relaxation Committee, rejected the claim of applicant for appointment of her son on compassionate ground.

5. No rejoinder has been filed.

6. We have heard Mr. T. Rath, learned counsel for the applicant and Mr. B. K. Nayak, learned Additional Standing Counsel appearing for the Department and have also perused the records.

7. Law is well settled that compassionate appointment is an exception to the general provision for appointment. It is no doubt true that the Deptt. in the counter did not specifically deny the distressed or indigent condition of the family of the deceased. But the question for consideration is whether the Department is bound to provide employment under rehabilitation Assistance Scheme to a person who according to them has ~~abated~~ <sup>committed</sup> a serious offence like forgery and mis-appropriation. We are aware that the learned Trial Court ~~dis~~ charged Sarbeswar Das but a reading of the relevant order reflected under Annexure-R/2 would reveal that during investigation, Sarbeswar Das admitted that he has signed three specimen signatures Card (Withdrawal form) as Abdul Bari Khan, at the instance of his late father. The order further reveals that by that time, Sarbeswar Das was a student. Learned Trial Court discharged him mainly on the ground that it is commonly known that a son at the stage of student is always under the control of his father and when the father ~~said~~ <sup>asked</sup> him to sign as Abdul Bari Khan, he signed accordingly and that it is hard to believe that at that time the son had the knowledge that his father is going to withdraw Rs. 20,000/- from the account of the

SB Account holder. The fact however, remains Sarbeswar Das who appears to be an adult student signed on a specimen signature Card (Withdrawal form) at three places as Abdul Bari Khan. It may be that by that time, he might not have known that his father would utilise his signature for withdrawing an amount of Rs.20,000/- from the account but this much is established that he knowing fully well, <sup>he</sup> imitated the signature of Abdul Bari Khan on an official document maintained by the Department which would imply that by that time, atleast he <sup>was</sup> ~~would~~ aware that his father would, if not withdraw and misappropriate the amount, manipulate the documents and registers for some other purposes, contrary to law. Under the circumstances, we do not see any illegality or irregularity committed by the Circle Relaxation Committee in taking a decision not to extend the rehabilitation Assistance Scheme in favour of Sarbeswar Das, more so when such rehabilitation Assistance scheme is not a matter of right.

8. We, therefore, do not see any merit in this Original Application, which is accordingly dismissed but in the circumstances, without any order as to costs.

*Somnath S OM*  
(SOMNATH S OM)  
VICE-CHAIRMAN

*G. Narasimham*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.