

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 18.7.2002

Applicant's grand-father, while continuing as E.D.B.P.M. in Bheda Branch Office, died prematurely. His son/father of the Applicant was given an engagement as substitute. Later he (father of the Applicant) was given an offer of employment on compassionate ground in order to remove the distressed condition of the family of the deceased EDBPM. But, before acceptance of the said offer, the father of the Applicant passed away; obviously the death was premature one. In the said premises, the Applicant (a member of the family of the deceased E.D.B.P.M.) has sought for an appointment on compassionate ground in order to remove the distressed condition of the family in question. In the present O.A. the Applicant has virtually, sought for a direction to the Respondents to get an employment/engagement on compassionate ground in order to remove the distressed condition of the family.

In letter No. 43-212/79/Pen dated 4.8.1980 of the D.G.(P&T), it has been clarified as under:

"(1) Instructions regarding Compassionate Appointment - The question of providing some ED posts to dependents of ED Agents in case of death/infirmity of an ED Agent has been under consideration of the Government for quite some time past. It has now been decided that a suitable job in ED cadre may be offered to one dependent of an ED official who dies while in service leaving the family in indigent ~~condition~~ circumstances, subject to the conditions applicable to regular employees who die while in service or retire on invalid pension. Such employment to the dependent should, however, be given only in every hard and exceptional cases".

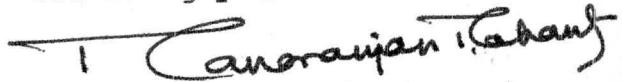
The intention of providing compassionate appointment is to remove the distressed condition of the family following to premature death of the

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

therefore, sole bread earner. Expedited steps should also be taken to provide a compassionate employment without any loss of time. The Department having clarified to provide compassionate appointment to a member of the family, following to premature death of an E.D.Agent; the Respondents are hereby directed to provide a compassionate appointment to the Applicant in the peculiar facts and circumstances of this case. Merely because the father of the Applicant was reluctant to take up any other employment in the cadre of E.D.Agent, that should not stand in the way of the Applicant to get a compassionate appointment in order to remove the distressed condition of the deceased family. Therefore, the Respondents, without entering into too much of technicality, should provide an employment/engagement to the Applicant on compassionate ground, by keeping the sole intention of the Government, which is meant to remove the distressed condition of the family of a deceased E.D. employee. The employment should be provided to the Applicant expeditiously.

This O.A. is accordingly allowed. No costs.


T. Canorajan (Chairman)

MEMBER (JUDICIAL)

18/07/2002

Free copies of final order dt. 18.7.02 issued to counsel for both sides.

28
22/7/02

PM
S.M(J)