

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 dependants 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 dependant 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 dependant should, however, be given only in every hard and exceptional cases".

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

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therefore,
sole bread earner, ~~expeditious~~ ^{employment} 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 relectuant 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. Canarayan (Sabar)
MEMBER (JUDICIAL)

18/07/2002

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

DS
22/7/02

DS
S.O.C.J.