

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 76 OF 1998
Cuttack this 8th Day of May, 2002

Smt. Sushila Singh,
W/o: late Harihar Singh .. Applicant

-VERSUS-

Union of India and others .. Respondent(s).

(FOR INSTRUCTIONS)

Whether it be referred to
Reporters or not ?

Yes.

2. Whether it be circulated to all the
Benches of the Central Administrative No.
Tribunal or not ?

M. R. Mohanty
8/5/2002
(M. R. MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 76 OF 1998
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CORAM

THE HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

Smt. Sushila Singh,
wife of late Harihar Singh,
At/PO: Kalepala, Via-Mahichala,
District - Kalahandi.

... Applicant

By the Advocate ... M/s Anil Deo.
S.N.Jena.

VERSUS

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, District - Khurda,
3. Post Master General, Berhampur Region, Berhampur, Dist: Ganjam,
4. Superintendent of Post Offices, Kalahandi Division, Bhawanipatna, District - Kalahandi.
5. Sub-Divisional Inspector (Postal) Dharmagarh, At/PO: Dharmagarh, District - Kalahandi.

... Respondents.

By the Advocate ... Mr. A.K.Bose, (Sr.C.G.S.C.)

O R D E R

MR. M.R.MOHANTY, MEMBER(JUDICIAL) : The Applicant's husband, while working as an E.D.D.A.-cum-E.D.M.C., died prematurely. In the said premises, in order to remove the distress condition, the Applicant sought for an employment on compassionate ground. Her prayer for compassionate employment has been resisted by the Department; on the plea that she succeeded 2.5 Acres of landed property from her in-laws.

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(2) A ground as noted above, is not sustainable; because the Applicant belongs to droughtprone Kalahandi District of Orissa and, in the said droughtprone area, 2.5 Acres of land is nothing for the Applicant to earn her livelihood. Simply because she is in possession (as alleged) of 2.5 Acres of landed property, it cannot be inferred (and ought not to have been inferred by the Respondents) that she is not in indigent/distress condition. Therefore, the objection of the Respondents, on this count, is hereby overruled.

(3) It is stated by Learned Senior Standing Counsel, Mr.A.K.Bose, appearing for the Respondents, that since the step-son of the Applicant (the son born to the Applicant's husband through his first wife) has been gainfully employed elsewhere, the Applicant is not to get an employment under Rehabilitation Assistance Scheme. It has already been clarified by the Department vide their notifications No.17-366/91-ED & Trg. dated 12.03.1993 that if a son/dependant, who is gainfully employed, is living separately, then the other dependants, who are in distress condition, can be considered for rehabilitation assistance employment; provided the separation in question is certified by local representatives. The relevant portion of the Government circular at Para (3)2.(4) in Section X of Swamy's Compilation of Service Rules for Postal E.D.Staff (1999 Edition) is extracted hereinbelow for a ready reference :-

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"(4) In certain cases, where there is already an earning member in the family but Huddia/Sarpanch or an M.P./M.L.A. certified that the employed member is living separately and not rendering any

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 financial assistance to the main family,
the requests for compassionate appointments
may be entertained and considered on merits.

In certain cases, the literate dependants/near relatives are neither employed in Government service nor somewhere-else but are engaged in cultivation, etc., and not supporting the family of the deceased ED Agent, requests for compassionate appointment in such cases can also be entertained."

(4) It is now for the Applicant to place materials before the authorities to show that her step-son is living separately from her by obtaining certificate from Sarpanch/Chairman of Panchayet Samity/Zilla Parishad/M.P./M.L.A. and immediately after submission of such certificate before the authorities, the concerned Competent Authorities should give due consideration to the grievances of the Applicant and provide compassionate appointment to her. While considering the grievances of the Applicant, the Respondents should not forget that the Applicant is a lady, belonging to droughtprone Kalahandi District of Orissa; from where persons like the Applicant/persons belonging to the age group of the Applicant, are being trafficked away from their native being in distress condition and, therefore, all sincere priority should be given to the case of the Applicant.

(5) With the aforesaid observations and direction, this Original Application is allowed. No costs.

Manoranjan Mohanty
 (MANORANJAN MOHANTY)
 MEMBER (JUDICIAL) 8/5/2002