

7

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 119 OF 1999  
Cuttack this the 2nd day of May 2000

Bikram Marandi

Applicant(s)

-Versus-

Union of India & Ors.

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be referred to reporters or not ? *no*

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

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN *2.5.00*

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 119 OF 1999  
Cuttack this the 2nd day of May 2000

CORAM:

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

...

Bikram Marandi

S/o. Late Gajendra Nath Marandi

At: Bijabari PO: Patihinja

PS: Kutiana Dist: Mayurbhanj

...

Applicant

By the Advocates : M/s.P.R.Barik  
S.R.Dash

-Versus-

1. Chief Post Master General  
Orissa Circle Bhubaneswar  
At/PO: Bhubaneswar Dist: Khurda
2. Superintendent of Post Offices  
Mayurbhanj Division Baripada  
At/PO: Baripada  
Dist: Mayurbhanj
3. Sub-Divisional Inspector(P) West  
West Sub-Division Baripada  
At/PO: Baripada Dist: Mayurbhanj

...

Respondents

By the Advocates : Mr.B.Dash  
Addl.Standing Counsel  
(Central)

...

ORDER

9

MR. SOMNATH SOM VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for quashing the order dated 17.3.1998 in which the Circle Relaxation Committee has rejected the applicant's prayer for compassionate appointment. He has also prayed for quashing the letter dated 27.4.1998 at Annexure-1 communicating the above decision to the applicant's mother the widow of the deceased employee.

2. For the purpose of deciding this application it is not necessary to <sup>go</sup> into too many facts of this case. The admitted position is that applicant's father Shri Gajendranath Marandi passed away while working as Extra Departmental Branch Post Master Pathinja Post Office on 9.5.1997 leaving behind the family members in distressed condition. The applicant belongs to Scheduled Tribe and he has read upto +2 Science and has therefore the necessary educational qualification for holding the post of E.D.B.P.M. It is submitted that he is also otherwise eligible to hold the post. It is admitted between the parties that the case of compassionate appointment of the applicant was forwarded by the local authority to the Circle Office but the Circle Office rejected the case for compassionate appointment. From the counter is found that the case of compassionate appointment was rejected on the ground that the applicant's father committed fraud. On the above grounds respondents have opposed the prayer of the applicant.

3. We have heard Shri S.R.Dash learned counsel for the petitioner and Shri B.Dash learned Addl. Standing

Counsel appearing for the respondents and also perused the records. From the pleadings of the parties it is to be noted that the case of the applicant for compassionate appointment though forwarded by the local authority was rejected by the Circle Relaxation Committee on the ground that his father had committed fraud. On a query from the Tribunal it is submitted by the learned Addl. Standing Counsel that no details about committing of fraud by the father of the applicant is available. Respondents have not stated in their counter if for commission of such fraud by the applicant's father as alleged disciplinary proceedings were ever initiated against the father of the applicant and that if the applicant's father was ever put off duty. It is nodoubt stated that the fraud was detected only after the applicant's father passed away. In view of silence of the respondents on this important aspect of the matter action of the Circle Relaxation Committee in rejecting the case of the applicant for compassionate appointment merely on the bald assertion that his father had committed fraud cannot be accepted. In this view of the matter order at Annexures-1 and 2 are set aside and the matter is remanded to the Chief Post Master General for reconsideration of the case of the applicant for compassionate appointment within a period of 120(One Hundred & Twenty days) from the date of receipt of a copy of this order. In the result the O.A. is allowed but without any order as to costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

B.K. SAHOO