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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 362 OF 1999
Cuttack this the 20th day of April, 2000

Smt. Usharani Jena

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

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

20-4-2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 362 OF 1999
Cuttack this the 20th day of April, 2000

CORAM:

THE HON'BLE SHRI G.NARASIMHAM MEMBER(JUDICIAL)

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Smt.Usharani Jena,
aged about 24 years
Daughter of Late Surendra Nath Jena
At: Sugo, PO: Sugo, Dist: Balasore

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Applicant

By the Advocates : M/s.B.K.Pattnaik
P.K.Mohanty
A.C.Gahana

-Versus-

1. Union of India represented through
Chief Controiler, Defence Account
No. G/5/Rectt., O/o. the J.C.D.A.(R&D)
Balasore
2. Joint Chier Controller, Defence Account
No.G/5/Rectt., O/o. The J.C.D.A.(R&D)
Balasore
3. C.G.D.A.(R&D). R.K.Puram
New Delhi

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Respondents

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

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MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application seeking ~~100~~ compassionate appointment, the applicant is the daughter of deceased employee Surendra Nath Jena, who while serving as Class IV employee in Ichhapur Rifle Factory, West Bengal, expired on 8.3.1991. On his death, the mother of the applicant, viz., Sarajabala Jena, who was given Class-IV employment in that Department at Balasore for one year and 11 months also expired on 27.6.1996. Just after the death of her father the applicant was given in marriage to one Ranjan Kumar Khatyua. After her mother's death the applicant applied for compassionate appointment. The application was rejected in order dated 20.10.1998 under Annexure-1. Hence this application.

2. Fact are not in controversy.

3. In the counter the stand of the Department is that since the applicant, just after the death of her father was given in marriage, she no longer continues to be the member and dependent of the family of the deceased.

Shri B.K.Patnaik, learned counsel for the applicant submitted that after receiving her application for compassionate appointment, the authorities directed her to produce income certificate of her husband, no objection certificate from her sister, money receipt, if any, indicating the fact that she borrowed money to meet the expenses of mother's illness and certificate that she was not employed anywhere. Pursuant to this direction she filed all these certificates under Annexure-4 series. In other words, according to learned counsel for the

applicant the authorities without rejecting her application summarily had given her a hope that if she produces such certificates, there is every chance of securing appointment. In the counter there is no denial that the authorities had directed the applicant for production of these certificates. But the question for consideration is whether the Department by directing her to produce those certificates in any way made a promise to give her appointment. I do not agree with the contention of the learned counsel for the applicant that the Department is bound to give her appointment under the compassionate appointment scheme because of the promise generated in her mind by calling for certain documents. It is not a case where the applicant has given up offer of another employment hoping that she would secure employment under compassionate scheme after receipt of the direction for production of certificates and thereby suffered the detriment in response to the so called promise generated in her mind.

Admittedly the applicant was given in marriage soon after the death of her father by her mother. She was aged 24 years by the time she preferred this Original Application. In other words, she was already a major and married lady at the time when her mother died in the year 1996. Hence she does not come under the definition of family of the deceased. Under the rehabilitation scheme only a dependent family member of the deceased employee can seen for compassionate employment. Even then securing employment under such scheme is not a matter of right.

In the result, I do not see any merit in this application, which is accordingly dismissed, but without any order as to costs.

20.5.2018
(G.NARASTHAM)
MEMBER(JUDICIAL)