

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 4.12.2002

Heard Shri K.C.Mishra, Advocate for the Applicant and Shri S.Behera, Addl.Standing Counsel for the Respondents.

Applicant's father, Upendra Jena, died prematurely on 23.7.1998; while continuing to serve in the E.D.Organisation (of ^{Postal Department of} the Government of India) as a Delivery Agent. The prayer of the applicant to get a compassionate appointment in order to remove the distress condition of the family has been turned down by the Respondents under Annexure -R/1 dated 24.5.1999 of their counter. The reason for rejection is that ^{the} applicant does not possess the minimum educational qualification. It has been explained in the counter that minimum educational qualification required for the post of Mail Carrier is Class-VIII pass. It is stated in the Bar that the educational qualification of the Applicant (Surendranath Jena, S/o. Upendra Jena) is Class-VI pass.

In several executive instructions of relaxation of the Department, educational qualification has been extended at the time of granting compassionate appointment under Rehabilitation Assistance Scheme. However, it has been clarified in those executive instructions that encouragement should be made to such candidates who acquire the minimum required educational qualification at the expeditious despatch. In Govt. of India Letter No.17-366/91-ED&Trg. dated 12.3.1993, it has been clearly spelt out as under:—

" The local authorities will encourage the dependants, appointed as E.D. Agents in relaxation of the minimum educational qualification, to attain the prescribed minimum educational qualification".

In the aforesaid view of the matter, the Respondents should keep in mind the welfare measures of the State and provide an employment to the Applicant in the category of Mail Carrier etc. in relaxation of educational qualification and, while doing so, the Respondents may stipulate a period of $3\frac{1}{4}$ years, by which time the Applicant may acquire the minimum educational qualification.

In the result, while setting aside the rejection order (relevant portion under Annexure-R/1 dated 24.5.1999), in so far as it relates to the present Applicant, Respondents are directed to provide an employment, on compassionate ground, to the Applicant on relaxation of educational qualification.

In the result, the O.A. is allowed as above. No costs.

Send copies of this order to Respondents and free copies of this order be made available to the counsels of both sides.

MEMBER (JUDICIAL)

Copies of order may be sent to all parties by post and copy of said order may be sent to the counsel for both sides.

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