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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 46 OF 1999.

Cuttack, this the 21st day of June, 2000

PREMANANDA DAS.

...

APPLICANT.

VERSUS

UNION OF INDIA & ORS.

...

RESPONDENTS.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 46 OF 1999.  
Cuttack, this the 21st day of June, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. KARASIMHAM, MEMBER (JUDICIAL).

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PREMANANDA DASH,  
Aged about 21 years,  
S/o. late Daitari Dash,  
At-Dahianta, Po; Sahira,  
Via. Pattamundai, Dist. Kendrapara. .... APPLICANT.

By legal practitioner: M/s. K. K. Swain, M. R. Nayak,  
P. N. Mohanty, Advocates.

-Vrs.-

1. Chief Postmaster General,  
Orissa Circle, At/Po. Bhubaneswar,  
Dist; Khurda.
2. Superintendent of Post Offices,  
Cuttack North Division, Cuttack.
3. Sub Divisional Inspector (Postal),  
Pattamundai, At/Po; Pattamundai,  
Dist; Kendrapara.
4. Sanat Kumar Patra,  
At/po; Sahira,  
Via; Pattamundai,  
Dist; Kendrapara.

... RESPONDENTS.

By legal practitioner: Mr. B. Dash, Additional Standing Counsel.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for compassionate appointment in place of his father and for quashing the order dated 19.3.1998 rejecting his prayer for compassionate appointment. Departmental Authorities have filed counter opposing the prayer of the applicant. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. The admitted position is that the applicant's father passed away on 26.10.1996 while working as EDBPM, Sahira Branch Post Office and the applicant being the second son, applied for compassionate appointment. Departmental Authorities examined his case and the Circle Relaxation Committee rejected his claim on various grounds which have been challenged by the petitioner in this Original Application. From the pleadings, it appears that the applicant's father passed away only ten days before his superannuation at the age of 65 years. Departmental Authorities have stated that the family is not in an indigent condition; firstly because the applicant and his mother, the wife of the deceased employee have filed Income certificate reflecting the total annual income of both of them at Rs. 26,000/-. Respondents have also stated that the applicant's elder brother is engaged as a primary school Teacher and his salary has also been mentioned. Applicant's stand that his elder brother has been separated from the family has not been accepted by the Departmental Authorities. The income of the applicant and his mother

amounting to Rs. 26,000/- per annum is not disputed through any rejoinder. Applicant has challenged the stand of the Departmental Authorities that the elder brother has not been separated on the basis of the Panchayatnama which is at Annexure-2. We have carefully gone through this Panchayatnama. This Panchayatnama has only been made on 12.1.1994 when the father was very much alive but notwithstanding the existence of the father, in this panchayatnama, the property has been divided between the two brothers without any share to the father, which is inconceivable. In view of this, we are not inclined to place any reliance on this Panchayatnama and we hold that this has been rightly disbelieved by the Departmental Authorities. Moreover, in the voter list <sup>of 1996</sup> which is at Annexure-R/4, we find that the elder brother Shri R.K. Das who is claimed by the applicant to have been separated is noted along with the family member of Shri Daitary Das and is residing in the same house, holding No. 21 of the present applicant and the elder brother is the same. In view of this, we do not find any infirmity in the Departmental stand that the elder brother has <sup>not</sup> been separated. Moreover, it is also to be noted that the applicant's father passed away only ten days before his superannuation and this is a factor which has also been rightly taken into consideration by the Departmental Authorities.

2. In consideration of the above, we hold that the applicant has not been able to make out a case for the relief claimed by him. The Original Application is therefore, rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.

(SOMNATH SOM)  
VICE-CHAIRMAN