

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 525 OF 1999  
Cuttack this the 18th day of Oct. /2000

Supati Somarath

...

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 ?

Somnath Som.  
(SOMNATH SOM)  
VICE-CHAIRMAN  
18.10.2002

18.10.2002  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.525 OF 1999  
Cuttack this the 18<sup>th</sup> day of October/2000

CORAM:

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

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Supati Somarath,  
W/o. Pitabasa Somarath,  
At/PO - Mahara, Via-Chandahandi  
District - Navarangapur

Applicant

By the Advocates

M/s.D.P.Dhalasamant

-VERSUS-

1. Union of India represented through  
Chief Post Master General, Orissa Circle,  
Bhubaneswar - 751001
2. Senior Superintendent of Post Offices,  
Koraput Division, Jeypore-764001

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Respondents

By the Advocates

Mr. A.K. Bose  
Sr. Standing Counsel  
(Central)

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Q R D E R

MR.G.NARASIMHAM, MEMBER (JUDICIAL) : Applicant's husband Pitabasa Somarath died on 13.1.1997 while serving as Extra Departmental Branch Post Master, Mahura Branch Office in account with Chandahandi S.C. leaving behind seven unmarried daughters. The case of the applicant is that her youngest son-in-law Shyam Sundar Patel was adopted and the family being indigent she represented to the Chief Post Master General, Orissa Circle for compassionate appointment of Shyam Sundar Patel. This request was turned down by the Circle Relaxation Committee under Annexure-1 on the ground that her case is not indigent and all the daughters are married. According to applicant, her annual income is Rs.4000/-, i.e. Rs.333/- per month and on this meagre monthly income it is difficult to manage the

family expenses. Hence the decision of the Circle Relaxation Committee is not correct. Hence this Application for reconsideration of the decision of the C.R.C. and for compassionate appointment of Shyam Sundar Patel.

2. The Respondents (Department) in their counter though do not deny about the applicant's annual income Rs.4000/-, justify the decision of the Circle Relaxation Committee that the family is not indigent since all the daughters are married.

3. No rejoinder has been filed by the applicant.

4. We have heard Shri D.P.Dhalasamant, the learned counsel for the applicant and Shri A.K.Bose, the learned Senior Standing Counsel appearing for the Respondents. Also perused the record.

5. Though we entertain doubt as to the legality of adoption of a grown up son-in-law, we need not enter into discussion on this issue, because the Circle Relaxation Committee has turned down the request for compassionate appointment only on the ground that the family is not indigent as all the daughters are married. Hence the only point needing determination is whether the applicant is in indigent condition.

Admittedly all her seven daughters have since been married. Applicant at present is aged about 52 years as mentioned in her verification statement of the O.A. She is not a resident of an urban area and a resident of village Mahura. It is not clear from the pleadings as to the source of annual income of Rs.4000/-. Since the applicant is not in service it can be presumed that this annual income of Rs.4000/- is derived from some immovable assets, for instance, from agricultural lands, house rent from building and so on. Immovable property/assets yielding an annual income of Rs.4000/- in a village like Mahura

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can by no stretch of imagination be meagre and the market value of the same would be substantial. Under this circumstance it cannot be said that a widow of 52 years old will not be able to maintain herself with an annual income of Rs.4000/- in a remote village like Mahara. We, therefore, do not see any justification to direct the Department to reconsider the case for compassionate appointment.

4. In the result, the Original Application is held to be without any merit and the same is accordingly dismissed, but without any order as to costs.

*G. Narasimham*  
(SENNATH SOM)  
VICE-CHAIRMAN 2000

18.10.2000  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO//