

O.A.No.627 OF 1999

ORDER DATED 11-12-2002

None appears for the Applicant on repeated calls on 09-12-2002 and again on 11-12-2002. In the said premises hearing was given to the learned Senior St. Counsel Mr. Anup Kumar Bose, appearing for the Respondents and with his assistance the materials placed on record were also perused for the disposal of this year old case of 1999.

2. In this Original Application U/s.19 of the Administrative Tribunals Act, 1985 the Applicant challenges the order of rejection of his claim for compassionate appointment under Annexure-6 dated 7-10-1999 and for a direction to the Respondents to provide him appointment on compassionate grounds. It is to be noted here that the Respondents rejected the claim of compassionate appointment to the Applicant on the ground that since death of the father was occurred more than 20 years ago and the mother of the applicant who died on 21.2.1990 the claim for compassionate appointment in favour of the Applicant could not be entertained as per the provision of the Department Rules.

3. It is an admitted fact that the father of the applicant (late Bhimsen Panda) died on 3.4.1973 while working as a Group 'D' employee in Bolangir Head Post office. At the time of his death, he left behind his widow, the present applicant, who was aged about 6 years, 11 months

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and 15 days and one daughter. It is also an admitted fact that the daughter of the deceased employee is a handicapped one. After attaining the majority, ~~the~~ applied ~~applied~~ for appointment on compassionate ground; which was rejected on the grounds stated above.

4. Respondents in their counter have stated that the Circle Relaxation Committee considered the application of the applicant for providing compassionate appointment and rejected the same (on the ground that it is a belated claim) as the father of the applicant died 20 years back and the mother was in receipt of the family pension till her death. It has further been averred that since the departmental instructions provide that such belated claim shall ^{not} be entertained, the CRC rejected the grievance of the applicant for providing compassionate ground .

5. On perusal of the records, it is seen that the Circle Relaxation Committee rejected the application of the applicant for providing compassionate appointment on the ground of delayed application and the mother was in receipt of family pension till her death. It is to be noted here that departmental rules do provide that on the death of an employee while in service, the Deptt. has to keep the family members informed about the scheme of providing employment in order to mitigate the hardship caused to the family on the death of the bread winner.

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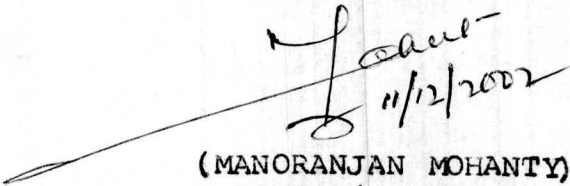
Apart from that, the very aim and object of the beneficial scheme of providing compassionate appointment to one of the family members of a Govt. servant on his death is to mitigate the hardship. Further it has been provided in the said scheme that the said benefits shall be provided considering the indigent consideration of the family. But here is a case, while rejecting the claim of the applicant for providing compassionate appointment, the C.R.C. did not consider the financial conditions of the family of the deceased employee and had rejected the same on the technical ground of belated claim which is neither the aim of the scheme nor is it the intention of the legislature. Further more the fact of getting the family pension cannot be a ground for rejecting the claim of the applicant. The Hon'ble Supreme Court as also this Tribunal have repeatedly held in very many cases that while judging the indigent condition of the family for providing compassionate appointment to one of the members, retiral benefits should not be taken into consideration. Since the C.R.C. rejected the claim of the applicant on those technical grounds (referred to above), ends of justice would be met if the matter is remitted back to the Respondents/Authorities for considering the grievance of the Applicant as per the spirit of the instructions on the subject.

6. In the said premises, I remitted the matter back to the Respondents/Authorities with a direction to give a fresh

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look into the matter afresh and take a decision on the question of providing compassionate appointment to the Applicant which they should do within a period of 120 days from the date of receipt of a copy of this order.

7. In the result therefore, this Original Application is disposed of with the observations and directions made above. No costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

KNM/CM.