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OA. 169/2000

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 16.1.2002

When the matter was called, it was submitted by Shri P.K.Padhi that his name along with Ms.U.R.Bastia be deleted from the record as the brief has been handed over to Shri P. Mohanty. It is so ordered.

None appeared for the petitioner when called. There has been no request made on behalf of the petitioner seeking adjournment. This is a Single Bench matter dealing with compassionate appointment. In view of this, the matter cannot be allowed to drag on indefinitely.

Heard Shri S.Behera, learned Addl.Standing Counsel for the respondents and perused the pleadings.

In this Original Application, the petitioner has prayed for a direction to the departmental authorities to consider his case for compassionate appointment to any E.D.Post in Cuttack(S) Division. His second prayer is for confirming him the post of E.D.Messenger, Kujang Sub Post Office. Respondents have filed their counter opposing the prayer of the applicant. No rejoinder has been filed.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. According to averments made by the applicant in his O.A., his mother was working as E.D.B.P.M. at Chatua Branch Office. His mother was ~~found~~ ^{invalidated} and retired from service w.e.f. 13.1.1999 due to bad health. It is stated that ~~the~~ mother of the applicant was the only bread-earner of the family and

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after her retirement on invalidation the family is in dire financial need. The applicant filed representation seeking compassionate appointment, but no consideration has been shown to him. In the context of the above, the applicant has come up in this O.A. with the prayers referred to earlier.

Respondents have pointed out that the scheme for compassionate appointment to the dependants of E.D. Agents does not cover the case of retirement on invalidation. In case of regular Govt. servants the scheme for compassionate appointment is applicable both to the cases of death in harness as also regular Govt. servants retiring on invalidation/premature retirement on invalidation. But so far as E.D. Agents are concerned, the scheme covers only the cases of death while in service. The Hon'ble Supreme Court in several cases have held that appointments on compassionate ground can only be considered only in terms of the scheme in force in the Department concerned. In accordance with the circular dated 4.8.1980 of the D.G. Posts/circulars issued, subsequently the scheme for compassionate appointment does not cover the cases of wards of E.D. Agents, who have been retired on invalidation. In view of this there is no case for direction to respondents to consider the case of the applicant for compassionate appointment. Moreover, it has been pointed out by the Respondents that after retirement of the applicant's mother the post was advertised for being filled up, reserving the same for

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Free copies of final
order dt. 16.1.2002
drawn to counsel for
both sides.

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S.T. candidate, wherein the case of the applicant was also considered and Shri Birsingh Gui, a Scheduled Tribe candidate having secured more marks than the applicant in the Matriculation was selected. The petitioner challenged that selection before the Tribunal in O.A.498/99 and in order dated 13.3.2000, the O.A. was rejected. Respondents have also enclosed a copy of the judgement to their counter.

In consideration of the above, I hold that the applicant has not been able to make out a case for any of the reliefs prayed for. The O.A. is, therefore, held to be without any merit and the same is rejected, but without any order as to costs.

J. S. Narayan
VICE-CHAIRMAN
16.1.2002