

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order No.16, dated 6.5.2002

The applicant's father, while working as EDBPM of Narijanga Branch Post Office, died prematurely on 23.11.1983. By that time, the applicant was a minor. He has already become major in the meantime; his date of birth being sometime during 1969. His application for compassionate appointment having not been heeded to, he has filed the present O.A. In the O.A., notices were directed to be issued on 18.4.2000, and despite several adjournments granted in the Lawzima and in the Bench, the respondents have not yet filed any counter. During pendency of this O.A., intervenor-respondent no.3 was provisionally given appointment as EDBPM of Narijanga Branch Post Office and his such appointment was made subject to the result of the present O.A. The said intervenor-respondent no.3, on his own volition, has been added himself as respondent No.3 in this O.A. On consent of the learned counsel for the parties, this matter is taken up for final disposal.

2. The limited prayer of the applicant is that he need be provided with an employment on compassionate ground in order to remove the distressed condition of his family. Government of India has, in the meantime, decided/drawn up a policy to provide compassionate appointment to a member of the family of a prematurely deceased ED Agent/EDBPM, the relevant provision of which is

D.G., P. & T. Letter No. 43-212/79/Pen. Dated the 4th August, 1980 in

(P.T.O.)

Court not held

A  
11.3.00

B.S

Order 15. May 2000

Court not held.

A  
2.5.00

B.S

AFR →

extracted hereinbelow:—

(1) Instructions regarding compassionate appointment:—The question of providing some ED posts to dependants of ED Agents in case of death/infirmity of an ED Agent has been under consideration of the Government for quite some time past. It has now been decided that a suitable job in ED cadre may be offered to one dependant of an ED official who dies while in service leaving the family in indigent circumstances, subject to the conditions applicable to regular employees who die while in service or retire on invalid pension. Such employment to the dependant should, however, be given only in very hard and exceptional cases."

3. On the face of the Government policy to provide compassionate appointment to a dependant family member of a prematurely deceased ED Agent/EDBPM (as extracted above), the respondents are hereby directed (after hearing the advocate for the applicant, the learned Senior Standing Counsellor, Shri A.K. Bose appearing for the departmental respondents, and Shri S.K. Dash, the learned counsel appearing for the intervenor-respondent No.3) to consider the case of the applicant to provide him an employment on compassionate ground, by keeping in mind the aforesaid scheme of the Government of India. Due consideration, as aforesaid, should be given at the earliest opportunity; not later than three months from the date of receipt of copy of this order. The conditions appended to the appointment order of respondent no.3 shall continue to remain in force until the grievances of the applicant are resolved by

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OA 183/2000

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the respondents.

4. The Original Application is accordingly allowed, but, in the circumstances, without any costs.

AFD →

*M.R. Mohanty*  
06.05.2002  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

Copies of order  
may be drawn by  
the counsel for  
petitioner.

*L*  
15.5.02

*Pratap*  
15.5.02  
*S. S. (S)*