

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Law Sama
order dt-6.9.00
may please be
seen.

Counter not
filed.

Rej 13 each
Hg

Counter not
filed.

Rej 22/1x Bench

Counter filed - copy
not served

for orders

22/12 Bench

Copy of counter
not served

Bench

i. Copy of counter
not served.

ii. Rejols not filed

III. adj to 15.3.2001

1
17.3.2001

rd
J.WM

For Admision

23
19.7.01

Bench

06. 15.03.2001

It is submitted that copy of counter
has been served on the learned Counsel
for the petitioner and who does not want
to file any rejoinder.
Pleadings are complete.

Adjourned to 20.04.2001 for hearing
and final disposal at the stage of
admission.

Shri Om.
vice-chairman
ISF.

Member(J).

07. Order dated 20.4.2001

Heard Shri P.V.Ramdas, learned counsel
for the petitioner and Shri A.K.Bose, learned Senior
Standing Counsel for the Respondents and also
perused the records.

In this Original Application the petitioner
has prayed for a direction to respondents to consider
her case for appointment on regular basis as Group D
at any place where there is vacancy. Respondents have
filed their counter explaining their stand. No
rejoinder has been filed.

For the purpose of considering this petition
it is not necessary to go into too many facts of
the case. The admitted position is that applicant
is a lady with four minor children. Her husband
was working as Mail Man in R.M.S. B.C.Division,
Berhampur, when he died in harness on 8.11.1997.
Petitioner being in distressed condition applied
for compassionate appointment and the Circle
Relaxation Committee approved the case of the
applicant for compassionate appointment ~~and~~ in
order dated 10.6.1998 vide Annexure-3, the applicant
was directed the applicant to give a ~~cont'd.~~ Cont'd....

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Notwithstanding this the Superintendent of Post Offices, R.M.S. B.G. Division, Berhampur, in order dated 17.9.1998/directed the applicant to work against the leave vacancy of Group D officials. Applicant has stated that as this engagement is not/continuous appointment and the work is also uncertain, she is unable to maintain her family by working against the leave vacancy post. In this context she has come up in this Application with the prayers referred to earlier.

Respondents have taken the stand that according to departmental instructions compassionate can be given only in respect of 5% vacancy arising in a year.

Similar matter came up/before this Tribunal in O.A.517/99 disposed of in order dated 16.4.2001. That was also a case of compassionate appointment in R.M.S., B.G. Division Berhampur. Even though the applicant Shri A.Koteswar Rao therein applied for compassionate appointment like the present applicant before us, he was being given engagement only during leave vacancy. In that case it was submitted by the learned counsel for the petitioner that the departmental authorities had called for option of the applicant to give him compassionate appointment in some other Division and the applicant therein had exercised his option to work in other Division.

It is submitted by the learned counsel for the petitioner Shri P.V.Ramdas in the instant case that applicant with four minor children is in distressed condition and she is prepared to go to other Division in case she is provided a regular appointment against a Group D post. In consideration of this, we dispose of this O.A. with a direction to the departmental authorities to ask for option of the applicant as in O.A.517/99, for working in Group D post where this is a vacancy and in that event she should be given appointment basing on her option. Such option should, however, be called for from the applicant within a period of 30(Thirty) days from the date of receipt of this order and in case she gives her option, the departmental authorities should act upon her

S. J. M.

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CA. 296/2000

option, as directed above, within a period of 30(Thirty) days from the date of receipt of such option from the applicant. We also make it clear that notwithstanding our direction made above, respondents should continue to give her engagement against the leave vacancy till the above exercise is completed.

With the above direction and observation, this Original Application is disposed of, but without any order as to costs.

MEMBER (JUDICIAL)

John Mathew
VICE-CHAIRMAN
20.4.2001

Five copies of
final order
dt. 20.4.2001 issued
to counsels for
both sides.

Dr
26/4/01

AM 6/4
S.00