

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.379 OF 2000  
Cuttack this the 10<sup>th</sup> day of Oct, 2001

Bijay Kumar Das ..... Applicant.

V e r s u s

Union of India and Others..... Respondents.

(FOR INSTRUCTIONS)



1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of Central Administrative Tribunal or not? No.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*10.10.01*

*10.10.01*  
(G. NARASIMHAM)  
MEMBER (J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
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CORAM:

THE HON'BLE SHRI SOMNATH SOM,  
THE HON'BLE SHRI G.NARASIMHAM,

VICE-CHAIRMAN  
MEMBER (J)

.....

1. Bijay Kumar Das,  
Son of Late Gandharba Das,  
aged about 29 years,  
At-Jagatsinghpur,  
P.O. Tiran,  
P.S.Tritol,  
Dist.Jagatsinghpur.

By the Advocates

.... Applicant(s)  
M/s P.Mohanty  
D.N.Mohapatra  
G.S.Satpathy  
Smt.J.Mohanty

V e r s u s

1. Union of India, represented  
Director General of Telecommunication  
Sanchar Bhawan, New Delhi- 110 001.

2. Chief General Manager,  
Orissa Telecommunication,  
Orissa Telecom Circle,  
Bhubaneswar,  
P.O.Bhubaneswar,  
Dist.Khurda.

3. Telecom Divisional Manager,  
At/P.O.Berhampur,  
Dist.Ganjam.

By the Advocate(s)

.... Respondents.  
Mr.A.K.Bose

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G.NARASIMHAM, MEMBER(JUDICIAL):- In this case for compassionate appointment, applicant's father while serving under the Respondents died on 14.1.97, leaving behind the widow, applicant (son) and two daughters one of whom is married. Applicant's representation for compassionate appointment was turned down by the circle relaxation Committee, vide Annexure 6 dated 1.6.2000. Hence this Original Application.

2. Applicant's case is that he belongs to S.C.Community and worked in that Department as N.M.R. for about six years. He has passed class IX and the annual income of the family from all sources is Rs.26,112/-, vide income certificate dated 2.7.97(Annexure-4) issued by the Tahasildar, Tirtol and this is not sufficient for the maintenance of the family. Hence the decision of the Circle Relaxation Committee is wholly arbitrary.

3. Stand of the Department is that the family received Rs.1,83,661/- towards financial benefits yielding monthly bank interest of Rs.1500/-, besides Rs.3000/- as monthly pension of the widow and applicant's monthly daily wage earnings of Rs.1500/-. Thus according to the Department monthly income comes to Rs.6000/- which is sufficient for the maintenance of the widow, applicant and unmarried daughter. Married daughter being not a dependant member has not entitlement for maintenance. Further due to introduction of computers and other automation process in the Department coupled with the induction of the scheme



cadre restructure , there has been large scale reduction in the staff strength so much so that even the existing <sup>strength is</sup> ~~being~~ surplus. There is a general ban in open recruitments <sup>of</sup> all cadres excepting in some ~~suspension~~ <sup>superior</sup> technical cadres like J.T.O., J.E (Civil)/(Electrical), etc. There has been no recruitment to group 'C' or 'D' cadre since several years. Only in very exceptional and rare cases of severe financial indigency of the family of deceased employee, appointment under compassionate scheme is being considered. Hence the decision of the CRC is perfectly justified under law.

4. No rejoinder has been filed.

5. We have heard the counsel on record.

6. Law is well settled that compassionate appointment is not a vested right and that mere death of an employee in harness does not entitle his family to such source of livelihood. It is offered to enable the family to tide over the sudden crisis on account of the death of the bread earner. In other words, if the family has financial resources which can meet their day to day needs, though not to their expectation of aristocrat living, consideration for compassionate appointment does not arise.

7. At least the pension of the widow is a recorded income. Monthly pension of Rs.3000/- for a family consisting of three members in a rural area can by no



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stretch of imagination can be called insufficient for maintenance. Besides the applicant has some daily wage earnings, though the quantum is in dispute. At <sup>a</sup>lest there is no dispute as to receipt of Rs.1,83,66/- towards terminal benefits and that before the death of the employee his other <sup>daughter</sup> ~~death~~ was already married. We are therefore of the view that the decision of the CRC was in no way arbitrary.



7. This original application is accordingly dismissed.

No Costs.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
10.10.2001

*10.10.01*  
(G. NARASIMHAM)  
MEMBER (J)

CRB