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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

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ORIGINAL APPLICATION NO. 407 OF 2000
Cuttack this the 5th day of April, 2004

P.P. Das

...

Applicant(s)

-VERSUS-

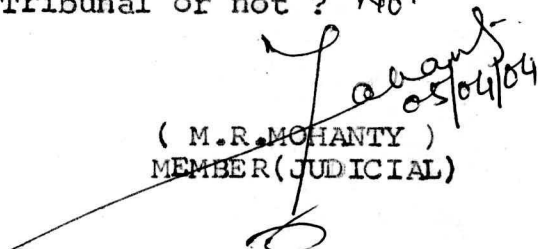
Union of India & Ors. ...

Respondent(s)

FOR INSTRUCTIONS

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


(B.N. SOM)
VICE CHAIRMAN


(M.R. MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 407 OF 2000
Cuttack this the 5th day of April, 2004

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)

...

Paresh Prasad Das, aged about 26 years,
Son of Late Ananta Prasad Das, At/PO-
Maitapur, Via-Ranital, Dist-Balasore

...

Applicant

By the Advocates

M/s. B. Satpathy
T.K. Nayak

-VERSUS-

Superintendent of Post Offices, Bhadrak Division,
Bhadrak, At/PO/Dist-Bhadrak

...

Respondents

By the Advocates

Mr. A.K. Bose, S.S.C.

- - - - -
O R D E R

MR. M.R. MOHANTY, MEMBER (JUDICIAL): While working as
Extra Departmental Branch Post Master of Maitapur Branch
Office, Ananta Prasad Das, (the father of the applicant)
died prematurely on 19.7.2000, leaving behind the following
legal heirs:-

- | | |
|--------------------------|-------|
| 1. Malatilata Dash ... | Widow |
| 2. Umesh Chandra Das ... | Son |
| 3. Suresh Prasad Das ... | Son |
| 4. Paresh Prasad Das ... | Son |
| 5. Naresh Prasad Das ... | Son |
| 6. Jogesh Prasad Das ... | Son |

2. The present applicant, Paresh Prasad Das
applied to the Respondents-Department seeking a compassionate
appointment and before any decision could be
communicated to him, the Respondents - Department
notified the vacancy (fell vacant due to premature death

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of his father) to be filled up and this is why the applicant filed the present Original Application, under Section 19 of the Administrative Tribunals Act, 1985, for redressal of his grievance. During pendency of this case, the Circle Relaxation Committee (in short C.R.C.) under the Chairmanship of Chief Post Master General of Orissa, on 31.1.2001, considered the case of the applicant for providing him a compassionate appointment, but it did not find any justification since two sons of the deceased are in Government service and that the condition of the family was found to be not indigent. This factum was communicated to the applicant under Annexure-R/10 dated 16.2.2001. On the face of this development, the applicant had amended the Original Application.

3. A counter was filed by the Respondents-Department justifying their stand/the decision of the C.R.C..

4. By filing an affidavit it has been disclosed that the sons of the deceased EDBPM who are in gainful employment are not supporting the family and in order to substantiate his said stand, the applicant has placed on record a copy of the Panchayat Rafa Nama dated 10.5.1994 to show that the during the life-time of the deceased EDBPM & his earning sons separated from him.

5. In D.G.P&T letter dated 12.03.1993 it has been certifies clarified that if local Sarpanch/Hudias/MP/MLA / separation of the earning members from the distressed family, then the case can be taken into consideration. The relevant portion of the D.G.P&T instructions are extracted hereunder for ready reference:

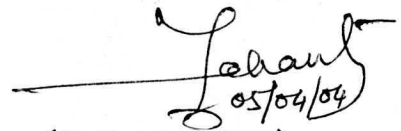
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" In certain cases where there is already an earning member in the family but Huddia/ Sarpanch or MP/MLA certified that the employed member is living separately and not rendering any financial assistance to the main family, the requests for compassionate appointments may be entertained and considered on merits. In certain cases, the literate dependants/near relatives are neither employed in Government service nor somewhere else but are engaged in cultivation etc., and not supporting the family of the deceased ED Agent, requests for compassionate appointment in such cases can be entertained."

6. In the aforesaid premises, since the applicant is placing certain materials to show that earning members of the distressed family are not supporting the family, the authorities/respondents, are hereby directed to reconsider the matter/grievance of the applicant for a compassionate appointment; for which the applicant must now place all possible materials ~~to be put up~~ before the Respondents by the end of April, 2004. In the event all materials are placed before the Respondents (by the applicant) by the end of ^{July} ~~April~~, 2004, then the authorities/C.R.C. should give full reconsideration to the matter, keeping in view the D.G.(Posts) circular and the lawful documents to be produced by the applicant.

7. With the aforesaid observation and direction, this O.A. is disposed of. No costs.


(B.N. SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER (JUDICIAL)

BJY