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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 17 OF 2001.
Cuttack, this the 21st day of August, 2002.

Raghunath Singh. Applicant

vs.

Union of India & Ors. Respondents.

FOR INSTRUCTIONS

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

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

21-08-2002

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 17 OF 2001.
Cuttack, this the 21st day of August, 2002.

C O R A M:

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.)

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Shri Raghunath Singh, Ex-EDMC,
S/o. Late Dasarathi Singh,
At: Potala, PO/Dist: Jagatsinghpur.

.... Applicant.

By the legal practitioner; Mr. Pravat Kumar Padhi.

:Vrs:

1. Union of India represented through
its Chief Postmaster General (Orissa),
At/PO: Bhubaneswar, Dist: Khurda-1.
2. Superintendent of post Offices,
Cuttack South Division,
At: P.K. Parija Marg,
PO: Cuttack GPO,
DIST: Cuttack-1.

.... Respondents.

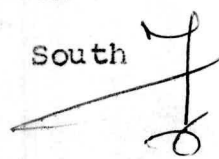
By the legal practitioner; Mr. A.K. Bose,
Senior Standing Counsel (Central)

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

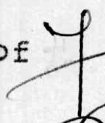
Applicant was appointed as E.D.M.C. of Nalibar
Sub Post Office (of Jagatsinghpur within Cuttack South



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Postal Division) with effect from 4-10-1955. He met with an accident on 3-4-1999; while carrying Mail bags from Jagatsinghpur to Nalibar Sub post Office and, ultimately, he became permanently disabled. He was provided with financial assistance of Rs.1500/- on 2-8-1999 for his treatment and in the following month (6.9.1999) he was asked to face a Medical Board under the Chief District Medical Officer of Jagatsinghpur and the said Medical Board, on examination, declared the Applicant as unfit on 1.10.1999. On the basis of the said report of the Medical Board, Applicant was given premature retirement from service on 1.12.1999; for he became invalid. During all these periods, the Applicant's son Sri Kunjan Kumar Singh was given temporary engagements to discharge the duties of the Applicant as EDMC of Nalibar since 5-4-1999 (under Annexure-1), on 13-12-1999 (under Annexure-7) and on 31-3-2000 (under Annexure-8) and, finally, on 08-05-1999 (under Annexure-9). The son of the Applicant made a prayer to the Respondents to provide a compassionate employment to him in order to remove the distress condition (following to premature retirement of his father/Applicant (the sole bread earner) of the family. The prayer of the of the Applicant (to provide a compassionate appointment to his son) having been turned down on 11.5.2000, he has approached this Tribunal in the present Original Application for redressal of the grievances.



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2. In the counter filed by the Respondents, it has been disclosed that only in death cases, compassionate appointments are being provided to the dependants of deceased ED Agents and not to the dependants of such of ED Agents who have faced premature retirements even on being invalid. In order to substantiate the said stand(made in the counter), the Respondents have placed on record Annexure-R/1. Annexure-R/1 is a set of clarifications issued by the DG Posts vide his letter dated 10-12-1986. In DG P&T's letter No.43/212/79/Per. dated 4th August, 1980 instructions have been issued pertaining to grant of compassionate appointments to the dependants of persons engaged in Extra-Departmental Organisation of the Postal Departments; which read as follows:

*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 the 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 service or retire on invalid pension. Such employment to the dependant should, however, be given only in very hard and exceptional cases".

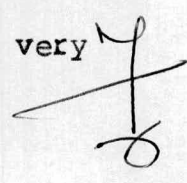
while issuing clarification to the above under Annexure-R/1 dated 10-12-1986 it has been clarified that no dependant of an ED Agent, who faced retirement prematurely on medical grounds, can be considered for compassionate appointment.

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3. The aforesaid Government decision dated 4th August, 1980 and the clarification given thereon on 10-12-1986 go to show that while the dependants of both deceased and disabled regular employees of Postal Department are entitled to compassionate appointments, such benefits have only been extended to the dependants of deceased employees of Extra Departmental Organisation of the said Department; which means, had the Applicant in the present case, died in harness, then only there was/is no bar to provide a compassionate appointment to his son and that simply because the Applicant has survived, although crippled/totally invalid, his son is not to be given a compassionate appointment in order to remove the distress condition of the family. Such a provision being discriminatory, the very intention of providing compassionate employment (which is meant to remove the distress condition of the family of a deceased/disabled employees; over and above the provision for grant of pension/family pension) are being frustrated. Non-provision of compassionate employment to dependants of invalid personnel of Extra-Departmental Organisation of Postal Department; especially when there are no provision of granting monthly pensions/family pension to retired ED Agents/their families; is not only discriminatory but a very harsh and inhuman one.



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4. In the above said premises, having heard the Advocate for the Applicant and Mr. Bose, Learned Senior Standing Counsel for the Union of India and having given anxious consideration to the matter in issue this Original Application was disposed of on 16-04-2002 with the directions to the Respondents to give equal treatment to the family members/dependants of disabled ED Agents (who are/were given premature retirement) with the similarly placed family members/dependants of deceased ED Agents (for they both do not get monthly pensions/family pensions) and deceased/disabled regular employees of Postal Department and, in the said premises to provide compassionate employment to the son of the Applicant, within a period of six months hence; upon verification of distress conditions of the family. Later; it was pointed out in a Review Application (No.9 of 2002) that while describing the factual aspect of the case in the final orders of 16-04-2002, there were errors, however, not affecting the result of the case. In the said premises, the said order dated 16-04-2002 has been recalled and redrawn in this order without affecting the result.

5. In the result, this Original Application stands allowed (without imposing any costs) and, as a consequence, compassionate appointment should be provided to the son of the Applicant (Sri Kunjan Kumar Singh) within the period stipulated in the previous order dated 16-04-2002.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

21.08.2002