

ORDER DATED 01.07.2004

Khadaga Majhi, while serving as Gr. 'D' staff in the Postal Department, died prematurely on 07.05.2000 leaving behind his family in a distress condition. Prayer of the family of the said Khadaga Majhi (to provide a compassionate appointment to one of the members of the family) having been turned under Annexure-A/5 dated 28.01.02, the family of the said Majhi again submitted representations on 08.03.02 and 19.06.02 by their communication under Annexure-A/7 dated 09.10.02. Respondents have denied to grant any such benefit (to provide compassionate appointment) on the following grounds:-

"The scheme of compassionate appointment is limited only to 5% of the vacancy on outsider quota. In the said CRC, there were 34 applicants and only one post was there for the purpose which is already filled up after scrutinising all the thirty four applications. Amongst them the most deserving person was picked up considering various factors such as income of the family from various sources, liabilities like Education of Children marriage of the daughters and all other factors pertaining to indigent condition of the family.

Your case should not be considered as there were more deserving cases than yours for the same and due to limited number of vacancy only".

For the following two reasons, as disclosed in Annexure-A/5 of 28.01.02 and Annexure-7 of 09.10.02 the prayer of the family of late K. Majhi (to provide compassionate appointment) have been turned down:-

- (i) because the family is in receipt of terminal benefits amounting to Rs. 84,000/- (Annexure-5)
- (ii) because there are no enough vacancies to provide compassionate appointment (Annexure-7).

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For the reason of the following decision of the Hon'ble Supreme Court of India and that of this Tribunal the first objection (taken under Annexure-5 dated 28.01.02) is not sustainable; because terminal benefits are not to be computed to determine the indigent conditions of the family:-

- (a) Balbir Kaur and another Vs. Steel Authority of India Ltd. and others - 2002(2) ATT(SC) 255;
- (b) Mina Kumari Mohanty Vs. Union of India and others - (1994) 2 ATT(CAT) 120;
- (c) Rankanidhi Sahu Vs. Union of India and others - 2002(2) 1CJD(AT-21);

In absence of adequate vacancies, it has not been possible on the part of the Respondent Department to provide an employment to the Applicant. On the face of the said statement of the Department nothing more can be done at this stage to help the Applicant.

Apart from the fact that vacancies were not available, it is seen that the Applicant No.2 is now 25 years old and, therefore, no relief can be granted to him in this case; as per the decisions rendered by the Jodhpur Bench of this Tribunal in the case of Hari Singh Vs. UOI and others in O.A.No.230/2002 dated 27.09.02.

For the reasons of the aforesaid discussions, after hearing Mr. P.K.Padhi Learned Counsel appearing for the Applicant and Mr. Anup K. Sose, Learned Senior Standing Counsel appearing for the Respondents, this case is held to be bereft of any.

In the result, this case is dismissed on merit. No costs.

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*01/07/04*  
MEMBER (JUDICIAL)