



FORM No. - 4

See Rule (12)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

CUTTACK BENCH

**ORDER SHEET**

original  
 Application No. 227 of 200 3  
 Applicant(s) Suryamani Samanta Respondent(s) Union of India  
 Advocate for Applicant(s) Mr. S. K. Mohanty Advocate for Respondent(s) S. P. Mohanty  
 P. K. Lenka

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>9. P.O. for Rs. 50/- filed.          For consideration pl.          24.3.03          S. P. (J)          Bb          24/3/03          24.03.03          Defect removed.          For Registration please          as per Court Memo.          29.4.03          S. P. (J)          Bb          29.04.03</p>	<p>REGISTER          29/4/2003          Registrar  <u>Or.No.1 dated 30.4.2003</u>          Heard Shri P.K.Lenka Advocate for the          Applicant and Shri S.B.Jena, Addl.Standing          Counsel (on whom a copy of this O.A. has already          been served) appearing on behalf of the          Respondents.          Consequent upon order dated 23.1.2002          (Annexure-3) issued by the Respondents Depart-          ment rejecting the prayer of the applicant,          (Sri suryamani Samant), son of Shri Durga Ch.</p>

2

BA 227/03

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

on +/emo.

For Admn pl.

Dr  
29.4.03

Bench

On 29.4.03

copy of order /  
copy of order sent to  
all members. copy of  
said order handed  
over to counsellor  
for LMS order.

L  
9/5

Dr  
9/5/03  
Se

Rout (Retd.Gr-D, Chandinichowk H.O.) for an appointment on compassionate grounds, taking recourse to Section 19 of the A.T.Act, 1985, and inter alia challenging the validity of the said impugned order of rejection (Annexure-3) the applicant has come up before this Tribunal for redressal of his grievances. The reasons, as assigned by the Respondents under Annexure-3 while rejecting the prayer of the applicant for a compassionate appointment are quoted hereunder:

- "1) The family has got terminal benefits of Rs.86,000/- & also getting family pension Rs.2214/- + D.R. P.M.
- 2) There is no liability"

It is submitted by Shri Lenka, the learned counsel for the applicant that the grounds on which the Respondents have rejected the prayer of the applicant for a compassionate appointment do not hold good. It is further submitted by Shri Lenka that the terminal benefits cannot be the criterion to adjudge a family, as in this case, is having no liability. It is also submitted by Shri Lenka that the retired Govt. servant (father of the applicant) is a diabetics patient and, therefore, he spends the substantial proportion of the pension towards the medicines. Besides, the retired Govt. servant is yet to give her daughter in marriage because of paucity of funds which has stood in his way as an insurmountable difficulty.

I have given my anxious consideration to the arguments advanced at the Bar.

Y

It is the settled position of law and this Tribunal also, in a catena of decisions, following the ratio as propounded by the Hon'ble Apex Court in the case of Balbir Kaur & another vs. Steel Authority of India Ltd. & Ors. reported in 2002(2) A.T.T.(SC) 255, and the decisions rendered by this Tribunal in the cases of Rankanidhi Sahoo vs. Union of India & Ors. (reported in 2002(2) 1 C.J.D.(AT) 21 and Mina Kumari Mohanty & Another vs. Union of India & Ors. (reported in (1994) 2 ATT(CAT) 120 have held that terminal benefits cannot be computed nor can be the criterion for the purpose of determining/adjudging the indigent condition. The Respondents, in the instant case having resorted to only ground of terminal benefits, have come to a conclusion that the family of the applicant has no liability and as an outcome issued Annexure-3 dated 23.1.2002 by rejecting ~~his~~ prayer for a compassionate appointment. I am, therefore, of the view that the reason led to rejection of the prayer of the applicant for a compassionate appointment, in view of the above settled position of law, being non est, there remains no other option than to quash the impugned order dated 23.1.2002 under Annexure-3, and, accordingly, the same is hereby quashed/set aside.

In view of quashing of Annexure-3 there exists next to nothing in the way of the Respondents to consider the case of the applicant <sup>for appointment</sup> on compassionate grounds within the four corner of rules. It is, therefore, directed that the Respondents should do well with the matter in

Y  
J

4 according an employment on compassionate ground in  
favour of the applicant.

In the aforesaid terms, this Original  
Application is disposed of at the admission stage itself.

No costs.

Send copies of this order along with copies of  
this O.A. to Respondents and free copies of this order be  
-handed over to the learned counsel of both the sides.

MEMBER (JUDICIAL)