

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dt. 15/12/03

Ld. Counsel for the applicant has submitted that he has ~~not~~ received the copy of the Counter. Time is granted till 16/01/04 to file rejoinder.

[Signature]
15.12.03
Registrar

Rejoinder not filed.

L
15/11/04

Regd

Order dt. 16.1.04

On the prayer of Ld. Counsel for the applicant, time is granted till 16.2.04 to file rejoinder.

[Signature]
16.1.04
REGISTRAR

Rejoinder not filed.

[Signature]
Registrar

M

5/12/04

Order dated 17.03.04

The Applicant's father T. Raghava Rao, died prematurely on 27.02.98 while serving as a Delivery Agent in Extra-Departmental Organisation under Postal Department of Govt. of India. On his death, his son (Applicant) sought for a compassionate appointment. In support of his case, the Applicant submitted a series of materials as given out under Annexure-2 dated 13.03.98. The legal-hair certificate produced by the Applicant (under Annexure -6 at page 20 of the O.A.) goes to show that late T. Raghava Rao left behind his widow, three daughters and two sons of the age group of 20-25. The income certificate granted by the local Revenue officer (at page 21 of the O.A) goes to show that the family received certain terminal benefits and that they have got no other source of income. Despite that the Circle Relaxation Committee (vide their order under Annexure-3 dated 31.05.99) did not consider the family to be an indigent one and, in the said premises, turned down the prayer of the Applicant to get ~~an~~ employment on ~~of~~ compassionate ground. No reason for turning down the prayer for compassionate appointment has however, been given in the impugned order dated 31.05.99. In the said

[Signature]

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Order dt. 6.2.2004

Rejoinder is filed today after receipt of copy. Pleadings are complete.

Let this matter be before Bench on 25.2.04 for final hearing.

6.2.04
REGISTRAR

For admission and hearing.

Bench

MS
24/2/04

For admission and hearing.

Bench

MS
5/3/04

For admission and hearing.

Bench

MS
16/3/04

premises, the Applicant has approached this Tribunal in his application under Section 19 of the Administrative Tribunals Act, 1985.

2. Respondents having filed a counter, the Applicant has filed a Rejoinder. In absence of any representation from the side of the Applicant, this matter has been considered with aid and assistance of Mr. S.B. Jena, I.d. Addl. Standing Counsel for the Respondents.

3. It is not understood as to how the Circle Relaxation Committee did not find the family as indigent; especially when the three member family has got no independent source of income. Law has already been well settled by the Supreme Court of India that terminal benefits are not to be taken into consideration; while computing the indigent condition of the family. For the reason of the Judgement of the Hon'ble Supreme Court of India (rendered in the case of Balbir Kaur and another Vrs. Steel Authority of India Ltd. and Others reported in AIR-2000 Supreme Court at page 1596), the terminal benefits (granted to the family of a pre-maturely deceased Govt. servant) are not to be computed to find out the indigent condition of the family. This Tribunal is also consistently taking the same view. In the case of Meena Kumari Vrs. Union of India and Others (reported

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in 1994 (2) ATT /CAT 12) and in the case of Rankanidhi Sahu Vrs. Union of India and others (reported in 2002 (1)) C.J.D (AT) 21); this Tribunal took the view that terminal benefits and pensionary benefits are not to weigh the minds of the authorities, while considering indigent condition of the family, for the purpose of providing compassionate appointment to a dependent of a pre-maturely deceased Govt. servant. Therefore, the terminal benefits/family pension granted to the family of T. Raghava Rao/Applicant ought not to have been taken into consideration to find out the distressed condition of the family. Once the terminal benefits are taken out of consideration, there remains nothing to adjudge the family of T. Raghava Rao to be not-indigent; which warrants a case for providing a compassionate employment.

4. In the aforesaid premises the impugned order under Annexure-3 dated 31.05.99, which is also bereft of any reason, is not sustainable and therefore the same is hereby quashed. While setting aside the impugned order dt. 31.05.99, direction is hereby given to the Respondents to reconsider the grievance of the Applicant for providing him an employment on compassionate grounds and, while doing so, they should keep in mind the judicial

OA 509/03

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Copy of order eff. 17/3/04
issued to both parties
by posts. The same
copy of order issued
to the counsel for
both side.

Mr
28/3/04

17/3/04

pronouncements (supra) and pass necessary orders, within a period of 120 days from the date of receipt of the copy of this order, in resolving the grievances of the Applicant.

5. This O.A. is accordingly allowed. No costs.

Send copies of this order to the Applicant and the Respondents in the address given in the Original Application and free copies of this order be also handed over to the Advocates for both the parties.

17/03/04

MEMBER (JUDICIAL)