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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No. 639 of 2003
Cuttack, this the 28th day of February, 2005

Hareskrushna Sahoo Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

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

Manoranjan Ohanty
(MANORANJAN OHANTY)
JUDICIAL MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH,CUTTACK

O.A.NO. 639 of 2003.

Cuttack, this the 28th day of February, 2005.

CORAM:

THE HON'BL MR.MANORANJAN MOHANTY,JUDICIAL
MEMBER

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Harekrishna Sahoo,
Aged about 22 years,
S/o. Late Fakir Sahoo,
Vill.\P.O.Megha,
P.S.:Athagarh,
Dist. CUTTACK.

Applicant.

By the legal practitioner - Mr. Sidhartha Swain, Advocate.

-Versus-

- 1 Union of India represented through its Chief Post Master General Orissa Circle, Bhubaneswar, Dist. Khurda.
2. Director General, Deptt. Of Posts,Dak Bhawan, New Delhi-110001
3. Superintendent of Post Offices, Cuttack North Division,Cuttack.
4. Sub Divisional Inspector of Posts, Athagarh , At\Po- Athagarh, Dist.-Cuttack

By legal practitioner. Mr. S.P. Patra, Addl. Standing Counsel.

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O R D E R

MR. MANORANJAN MOHANTY, JUDICIAL MEMBER

Upon the premature death of his father on 29/7/2000, the mother of the Applicant had applied (to the authorities in postal department) for providing an employment assistance in favour of the applicant in order to remove the distress condition of the family. His father late Fakir Charan Sahoo, before his premature death, was serving Gramin Dak Sevak/ Extra Departmental Organisation of the Postal Department of Government of India. The said prayer was rejected by the Circle Relaxation Committee of the postal Department, as communicated by the Supdt. of Post Offices of Cuttack South Division vide his letter under Annexure – 6 dated 23.5.2005, on the ground of “no liability” ; for which this Original Application under Section 19 of the Administrative Tribunals, Act, 1985 has been filed with prayers (a) to quash the order of rejection under Annexure-6 and (b) for issuance of direction to the Respondents Department to provide employment assistance to the Applicant i.e. a family member of the deceased ED employee, in order to over come the distress/indigent condition of the family.

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2. A counter has been filed by the respondents supporting their stand (of the rejection of the prayer of the applicant to provide him an employment assistance, on compassionate ground); wherein it has been submitted by the Respondents that as the sisters of the Applicant have already been married (and are living with their husbands) and both the sons are of 30 years and 21 years of age respectively, there are no liability and, therefore, the CRC have rightly rejected the case of the Applicant and, therefore, no interference of this Tribunal is called for.

3. Applicant has also filed a rejoinder to the counter of the Respondents.

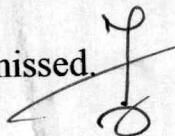
4. Heard learned counsel for both sides and perused the materials placed on record.

5. Learned counsel for the Applicant, during his argument, submitted (a) that the deceased GDS/ED employee had borrowed heavy financial assistance from others to give his daughter's marriage; (b) that Applicant's mother, being a chronic bronchitis patient, a huge amount of money were being spent each month for her treatment and ;(c) that since both the sons of the deceased GDS/ED employee are still unemployed, financial condition of the family are very bad. By placing reliance on a judgment of this Tribunal, it has been submitted by the learned counsel for the Applicant that the fact that there being no provision for monthly pension/family pension for the deceased GDS/ED

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employees/, ED employees, the CRC at the time of giving consideration to the prayer of the Applicant(to provide employment assistance), did not examine the matter in proper perspective. It has been submitted by the learned counsel for the Applicant that no reason has also been assigned (in the order of rejection under Annexure-6) as to why and under what circumstances, the CRC reached the conclusion that there is no liability. As regards the ground taken in the counter (by the Respondents) that the elder son of the deceased is working in Bisweswar Vidyapitha (at the time of death of the deceased employee) and that after closer of the said school, he was working as an LIC Agent, it has been submitted by the counsel for the applicant that the income from the Agency to be not stable and, as such, one cannot depend on such income. Further more it was submitted by him that no opportunity was given to the Applicant (by the CRC) to support his grievances or to know as to which weighed in the mind of the CRC to reject the case.

6. Per contra, learned standing counsel, appearing for the Respondents, vehemently opposed the case of the Applicant by stating that there is no substantial ground to support the plea of the Applicant and to interfere with the decision of the Respondents and, that, therefore, this Original Application is liable to be dismissed.



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7. Considered the various submissions put forth by the learned counsel for the rival parties and perused the materials and various laws promulgated by the Apex Court and by this Tribunal. First of all it is seen that no ground has been given as to why and on what basis it was found that there are no liability so as to enable the Respondents to provide employment assistance to the Applicant. Secondly, it is seen that the grounds taken by the Respondents (in their counter, in support of their order of rejection) is also not sustainable in view of the grounds taken by the applicant in his rejoinder; wherein he has disclosed as to how wrong facts weighed in the mind of the Respondents/CRC and that the same are not sustainable. Had the Respondents/CRC given an opportunity to the family members of the deceased employee/Applicant, then the CRC\Respondents might not have rejected his grievances. The grievance (for providing employment assistance to a ward/son/daughter of an EDA\GDS needs to be scrutinized by the Respondents with little bit heart of sympathy than the case of others; because there is no provision to grant family pension to the widow of a person who was engaged in ED organization. The Respondents are also well advised to give at least opportunity to the aspirants of compassionate appointment to establish his\her claim (of indigent condition) before the CRC for the ends of justice, fair-play and to minimize the litigation.

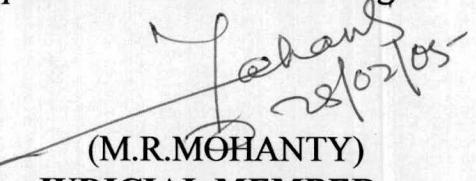


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8. In the above said premises, having found substantial reason in the grievance of the Applicant, the order under Annexure-6 is hereby quashed and the Respondents/CRC Members are hereby directed to give reconsideration to the case of the Applicant, after giving him adequate opportunity to prove his indigent condition. In any event, all the exercises shall be done by the Respondents within a period of 120 days from the date of receipt of a copy of this orders

9. In the result, this Original Application is allowed leaving the parties to bear their own costs.


(M.R. MOHANTY)
JUDICIAL MEMBER