



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Original

Application No. 646 of 2003

Applicant(s) Pankaj Kumar Mohanta Respondent(s) Union of India & Ors.

Advocate for Applicant(s) M/s. A. K. S. Wain Advocate for Respondent(s)

P. K. Das

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>9. P.O. for Rs. 50/- for For Registration fee.</p> <p>6/10/03</p> <p>S.O. (J) Dk 7/10/03</p> <p>13. Sar 8. 10. 03</p> <p>8/10/2003</p>	<p>REGISTER</p> <p>8/10/2003</p> <p>Order dated 8.10.2003</p> <p>Shorn of unnecessary details, it would suffice to reduce it to writing that the applicant (son of Kshetra Mohan Mohanta, S.P.M., Dukuna Sub Post Office in the District of Mayurbhanj, who died prematurely on 01.05.1998) assailing the order dated 23.1.2002 (Annexure-7) passed by the Respondents</p> <p>...Y</p>

NOTES OF THE REGISTRY

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Copies of order
alongwith copies of
OA communicated to
all respns. and
copies of said order
prepared for counsel
for both sides.

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rejecting his prayer for an employment on compassionate ground, has approached this Tribunal, under Section 19 of the A.T. Act, 1985, for redressal of his grievance. The reason of rejecting his prayer for a compassionate appointment, as assigned by the Respondents (under Annexure-7) reads as under :-

" I am directed to intimate that the CRC considered your case of compassionate appointment and rejected the same for the reasons given below:-

- 1) The family has got Rs. 3,36,634/- as terminal benefit and also getting family pension;
- 2) There is no liability and the case is not indigent".

Sd/-

Asst. Director (RE)

Shri P.K.Das, for CPMG, Orissa, BBSR

2. Heard the learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel (on whom a copy of this O.A. had been served) appearing on behalf of the Respondents, and perused the materials available on record.

3. The short point for consideration by this Tribunal is whether the reasons as assigned by the Respondents-Department (quoted above) under Annexure-7 rejecting the prayer of the applicant for a compassionate appointment are valid or otherwise. This Bench in the past in very many cases, following the decisions rendered by the Hon'ble Supreme Court in the case of Balbir Kaur & another vs. Steel

Authority of India Ltd. & Others (reported in 2002 (2) A.T.T. (S.C.) 255

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and the in the cases of Rankanidhi Sahoo vs. Union of India & Ors. and Mina Kumar Mohanty and another vs. Union of India & Ors. (reported in 2002(2) 1 C.J.D. 21 and (1994) 2 ATT(CAT) 120 respectively)

rendered by this Bench of the Tribunal have been taking a consistent view that terminal benefits cannot be computed for the purpose of determining the indigent condition. In the instant case, the whole object of the Respondents-Department in rejecting the prayer of the applicant for compassionate appointment rests upon the terminal benefits received by the deceased family, as would be evidenced from Annexure-7. Viewed from this angle, Annexure-7 dated 23.1.2002 is ab initio void being inconsistent with law on the subject and, in the circumstances, the same is quashed.

Since the only ground (terminal benefits received by the deceased family) that had worked out in the mind of the Respondents-Department in coming to a conclusion that the applicant's family is not indigent nor the family has any liability (as referred to under Annexure-7 dated 23.1.2002) is no more in existence, the Respondents-Department are directed to reconsider the matter with a view to providing an employment on compassionate ground in favour of the applicant within a period of 120 (one hundred and twenty) days from the date of receipt of this order on the basis of the observations made above.

In the result, this Original Application is allowed as above, leaving the

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parties to bear their own costs.

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


08/10/03

(M.R. MOHANTY)
MEMBER (JUDICIAL)

BIV/