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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 561 OF 2004  
CUTTACK, THIS THE 23<sup>rd</sup> DAY OF Sept', 2005

Binayak Barik.....APPLICANT

VS

Union of India & Another .....RESPONDENTS

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? 75
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? 75

  
(B.N. SOM)  
VICE-CHAIRMAN

10  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 561 OF 2004  
CUTTACK, THIS THE 23<sup>rd</sup> DAY OF Sep<sup>r</sup>, 2005

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

.....

Shri Binayak Barik, Aged about 35 years, S/o. Late Adikanda Barik, At/P.O.-  
Baiganbadia, Via-Kuchei, P.S. Kuliana, Dist.-Mayurbhanj.

.....Applicant.

Advocate(s) for the Applicant - M/s. B.K.Sharma, G.K.Dash.

VERSUS

1. Union of India, represented through Chief Post Master General, Orissa Circle,  
Bhubaneswar, Dist.- Khurda.
2. The Superintendent of Post Office, Mayurbhanj Division, Baripada, At/P.O.  
Baripada, Dist- Mayurbhanj.

.....Respondents

Advocate(s) for the Respondents - Mr. R.N.Misra (for R-1&2).

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## ORDER

### SHRI B.N.SOM, VICE-CHAIRMAN:

Shri Binayak Barik, son of late Adikanta Barik who had served as Gramin Dak Sevak Mail Deliverer in Kuchei Sub-Post Office, has filed this O.A. being aggrieved by the order dated 11.9.03 passed by Superintendent of Post Offices Mayurbhanj Division (Respondent No.2) rejecting his application for providing employment under compassionate ground.

2. The applicant has come in second round of litigation. Earlier, after his father died on 25.9.01, he had applied for compassionate employment, which was rejected by Respondent No.2 and that decision was challenged in O.A.No. 792/02 before this Tribunal. This Tribunal by its order dated 5.2.03 quashed the impugned orders at Annexures-1 and 2 dated 15.4.02 and 13.6.02 respectively and further directed the Respondents to reconsider his case within a period of 90 days from the date of receipt of the order. Accordingly, the Circle Relaxation Committee, set up by Respondent No.1, reconsidered the case of the applicant but by its order dated 11.9.03 rejected the same. Being aggrieved by the said rejection order, he has come in this present O.A. pointing out that the Respondents have mechanically disposed of his application.

3. The Respondents by filing a counter have contested the application. On the facts of the case, they have submitted that the ex-GDS

12 ✓

employee, father of the applicant, had left behind two sons, the elder one being married and the family has no social liability like marriageable daughters. On the other hand, the family has an annual income of Rs. 24000/- from agricultural land. They had found no hardship in this case, as the late GDS employee had left no liability behind him. On the point of law, they have relied on the decision in the case of Life Insurance Corporation of India vs. Mrs. Asha Ramchandra Ambekar and others JT 1994(2) SC 183 and in the case of Umesh Kumar Nagpal vs. State of Haryana JT 1994(3) SC 525 that compassionate employment may not be claimed as a matter of right and that such an employment is to be offered only in such a cases where the Government servant die in harness and thus the family needs immediate help and assistance to supplement the loss of income from the bread earner. They have, thus, found no merit in the case and rejected the same after examining the same according to Government instructions in the matter.

4. Heard the Ld. Counsels for the parties and also perused the Government instructions and various decisions relied upon by the Respondents. My notice has also been drawn to the letter dated 22.8.03 issued by Respondent No.1 addressed to the Respondent No.2 giving reasons for not finding the application for compassionate appointment viable. The Ld. Additional Standing Counsel during oral argument has further submitted that compassionate appointment is not to be offered as a matter of course for each and every case irrespective of the financial condition of the family of the deceased. In this case, as the family has not been left without any means of livelihood, no case for compassionate appointment has been made out in this case. As the Respondents have not found the case of the applicant being covered by the scheme of

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37

compassionate employment even after repeated examination of the case, nothing survives in this O.A. for further adjudication, which is accordingly disposed of. No costs.

  
(B.N.SOM)  
VICE-CHAIRMAN

KUMAR