

ORDER DATED 01-07-2005.

Father of the Applicant expired prematurely, while serving as Postal Assistant, on 11-12-2001. Legal heir certificate was issued by the local Tahasildar on 27-04-2002, which goes to show that the deceased Government servant/the bread earner of the family left behind five members namely:-

1. Kamala Sahoo,
2. Bijaya Ku. Sahoo,
3. Ajaya Kumar Sahoo,
4. Sanjaya Kumar Sahoo
5. Kalpana Sahoo.

Applicant, who passed HSC examination during 1995, applied for an employment under compassionate ground, which was rejected by the Department under Annexure-4 dated 25-03-2004. It has been disclosed in the said rejection order that the Circle Relaxation Committee of the Postal Department did not grant compassionate employment in

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favour of the Applicant, B.K. Sahoo; because his younger brother Ajaya Ku Sahoo has been continuing as EDDA Cum MC (of J.D. Sahoo Branch Post Office under S.D.I.P. Anugul West Sub Division) since March, 2001. This Original Application is directed against the said impugned rejection order under Annexure 4 dated 25.03.2004 (under section 19 of the Administrative Tribunals Act, 1985) on the ground that the younger brother of the Applicant, who is gainfully employed in the Extra Departmental Organization, is living separately from the Family and ^{the said} ~~which~~ factum had not been taken into consideration by the CRC while rejecting the case of the Applicant for providing employment assistance.

By filing a counter, the Respondents Department have substantiated the ^{rejection} ~~rejected~~ order under Annexure 4 and at the same time have disclosed that the Applicant has placed no material before the authorities to show that his younger brother is living separately from the family or that he is extending no support to the family.

In the aforesaid premises, this Original Application is disposed-of, after hearing Mr. R.N. Prusty, Learned Counsel appearing for the Applicant and Mr. Swapna Mohapatra, learned Additional Standing Counsel appearing for the

Respondents, with direction to the Respondents to reconsider the grievances of the Applicant (for providing him an employment on compassionate ground); because the Applicant has placed on record Annexure 6 dated 18.8.2002 to show that ^{his} the younger brother (Ajaya) is living separately from the rest of the Family; which factum has been attested by the Local SARAPANCH. While reconsidering the grievance of the Applicant, the Respondents should keep in mind the instructions issued by the Department of Posts dated 02-02-1994 which interalia provides as under:-

“(4) In certain cases where there is already an earning member in the family but Huddia/ **Sarpanch** or an MP/MLA certified that the employed member is living separately and not rendering any financial assistance to the main family, the requests for compassionate appointment may be entertained and considered on merits. In certain cases, the literate dependants/near relatives are neither employed in Government service nor somewhere else but are engaged in cultivation etc. and not supporting the family of the deceased ED Agent, requests for compassionate appointment in such cases can be entertained”.

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While parting with this case, liberty is hereby granted to the Applicant to place necessary further certificate from the local Sarpanch to show that his younger brother Ajaya is really living separately from the family.

The Respondents should give due reconsideration to the grievances of the Applicant (for providing him an employment on compassionate ground) within a period of 90(ninety) days from the date of receipt of a copy of this order.

Y. J. J. J.
01.07.2008
MEMBER(JUDICIAL)

Copies of order
Dt 1.7.08 issued
to counsel for
both sides.

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6/7/08