

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 242 of 2002
Cuttack, this the 24th day of April, 2003

Bhajanman Sahu.

....

Applicant.

vrs.

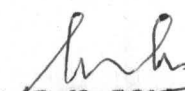
Union of India & Ors.

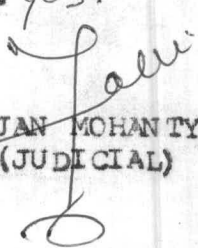
....

Respondents.

FOR INSTRUCTIONS

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


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

8

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 242 OF 2002
Cuttack, this the 24th day of April, 2003.

CORAM:-

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN
A N D
THE HON'BLE MR. M.R. MOHANTY, MEMBER (JUDICIAL).

Bhajaman Sahu, Aged about 20 years,
S/o. Late Ashimanyu Sahu of village-
Bileinali, PO; Bileinali, Via; Athamallik,
District- Anugul. Applicant.

By legal practitioner: M/s. T. Rath, S.P. Nayak, Advocates.

: Versus :

1. Union of India represented through Chief Postmaster General,
Orissa Circle, Bhubaneswar, District- Khurda.
2. The postmaster General, Sambalpur Division, Sambalpur,
At/PO/Dist; Sambalpur.
3. Superintendent of post Offices, Dhenkanal Division,
Dhenkanal, At/PO/Dist; Dhenkanal.

By legal practitioner: Mr. S. Behera, Addl. St. Counsel (Central).

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

This Original Application under section 19 of the Administrative Tribunals Act, 1985 is directed against the order (under Annexure-3 dated 25.02.2002) rejecting the prayer of the Applicant for providing him an employment on compassionate ground.

2. In support of the contention of the Applicant, it has been pointed out by him that his father (late Ashimanyu Sahu, an E.D.D.A.) breathed his last prematurely (on 29.9.2000) by leaving behind his wife, widow, three sons and two married

7
6

daughters. It has been urged that as the father of the Applicant was the only earning member in his family and there being no provision for getting pension by the widow and, having faced financial constraints, the widow/the mother of the Applicant applied for providing an employment in favour of the Applicant; as she was unable to take the employment due to old ailing problem. But surprisingly, the Circle Relaxation Committee rejected the claim of the Applicant without considering the very purpose of the scheme for providing employment on compassionate ground.

3. Respondents have filed their counter trying to justify the grounds of rejection (of the prayer for compassionate appointment in favour of the Applicant). The main thrust of the rejection of the request are that (a) the family has an income of Rs. 8,000/- per annum from the Agrl. land; (b) Rs. 20,000/- was in the pass book; (c) the daughters are married; (d) the rest of the children are grown up and (e) that the eldest son, though appointed as GDSBPM in some other place on his merit, resigned.

4. We have heard Mr. T. Rath, learned Counsel appearing for the Applicant and Mr. S. Behera, Learned Additional Standing Counsel for the Union of India, appearing for the Respondents and perused the records.

5. Mr. Rath, Advocate for the Applicant, in course of hearing, submitted that the Circle Relaxation Committee did not take into consideration the actual situation of the family, while considering the indigent condition. In support of this, placing reliance under Annexure-4 (the income

Certificate issued by the Tahasildar) it has been submitted that the income of Rs.8000/- is not enough to mitigate the hardship of the family during these hard-days to manage the family consisting of four members. Further, it has been argued that out of Rs.8000/- income, only Rs.2000/- is the annual income from the Agri. land and Rs.6000/- is from other source i.e. private tuition which is not the consistent income for their survival. In order to gain support, learned counsel for the Applicant has relied upon the decision of the Hon'ble High Court of Orissa in the case of SMT. DRAUPADI BEHERA AND ANOTHER VRS. UNION OF INDIA AND OTHERS (reported in 2003(I) OLR 45) wherein Their Lordships of the Hon'ble High Court have been pleased to observe as follows:-

It is true that the petitioner No.1 is earning an annual income of Rs.4,800/- and the petitioner No.2 is earning Rs.2000/- from his share of agricultural land, but the total of the two amount works to Rs.6,800/- per annum which is only Rs.566/- per month and this is hardly any amount either to support the petitioner no.1 or the petitioner no.2. The family of deceased Iswar Chandra Behera is thus, in dire financial condition.

(emphasis supplied)


6. We also find considerable force in the submission of the learned counsel for the Applicant that in this case the total income of the family is Rs.8000/- per annum which comes to Rs.650/- per month and the said amount is not enough for a family consisting of four members to maintain their livelihood; particularly in these hard days.

7. As regards, the grown up children it has been submitted by Mr. Rath, Advocate for Applicant that since none of the sons are employed, grown up children cannot be a ground, without employment, to come to a conclusion that the

family is not in indigent condition-rather it is otherwise. We also find considerable force in the above contention of the learned Counsel for the Applicant. It is not the case of the Respondents that any of the sons of the deceased is in employment. This does not also appeal to the conscience of the common man to come to a conclusion that the family is not in indigent condition.

8. Learned Counsel for the Applicant has also elaborately explained as to why the first son resigned from the post and with regard to Rs. 20,000/- kept in the SB A/c. It has also been submitted by the Learned counsel for the Applicant, placing reliance of the medical certificate of the deceased EDDA that the family had incurred heavy loan for the treatment of the ex-employee. We are satisfied that these grounds should not stand on the way of the Respondents for providing a compassionate employment to the Applicant.

9. We have gone through the decision of the Hon'ble High Court of Orissa in the case of Smt. Draupadi Behera (supra) and we find, that case is akin to the present case, in hand. It is worthwhile to note here that there are no monthly pensionary benefits available to the EDAs after their retirement or death; farless to speak of family pension. Further over and above, we would like to point it out that unlike the EDBPM category, the EDDA category do not possess any independent source of income for the family to fall back upon in evil days. Therefore, while assessing the indigent condition of the family, the concerned Deptt/ CRC/Respondents should have assessed the same taking into



consideration all these matters/present market condition etc. which are human.

10. In view of the discussions made above, we find considerable force in the submissions of the learned Counsel for the Applicant and, by applying the decisions rendered by the Hon'ble High Court of Orissa in the case of Smt. Behera (supra), the order of rejection under Annexure-3 dated 25.2.2002 is hereby quashed with a direction to the Respondents to reconsider the case 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. In the result, this O.A. is allowed. No costs.


(B.N. SOM)
VICE-CHAI MAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)