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## ORIGINAL APPLICATION NO. 1335 OF 04

### ORDER DATED: 28.11.05

Sambhunath Jena, while working as a Mail Career in Gramin Dak Sevak Establishment at Nachhinda Post Office, died prematurely on 18.11.02. On his death, his son (Applicant Bhagaban Jena) was given provisional appointment under Annexure-1 dated 28.04.03 for 89 days and, again, under Annexure-2 dated 21.06.03 for a further period of 89 days. He was relieved from the provisional engagement (made as against the vacancy caused due to premature death of his father) on 28.7.03. Applicant's prayer to get a regular engagement on compassionate ground (in order to overcome the distress/indigent condition of the family) having been turned down by the authorities, he has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985.

2. By filing a counter, the Department has supported the rejection of the prayer (of the Applicant) to get compassionate appointment.

3. Annexure-6, dated 23.12.02 issued by the Additional Tahsildar of Jaleswar goes to show that the GDS MC/father of the Applicant left behind his widow and 5 sons. It also revealed that two of the daughters of the deceased GDS MC were married by 23.12.02. Annexure-7 dated 20.12.02 also goes to show that the present Applicant had annual income of Rs. 5000/-. Considering all these materials and the departmental verification report (furnished at Annexure-R/5 dated 27.2.03), the Circle Relaxation Committee of the Postal Department rejected the prayer for a compassionate employment in the following words under Annexure-9, dated 06.10.04:-

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"Sub:- Compassionate appointment case of Shri Bhagaban Jena S/o. Late Sambhunath Jena, Ex-GDS MC; Nachinda B.O. in account with Kamarda SO under Jaleswar HO.

Sir,

I am directed to intimate that your application for compassionate appointment on the above captioned subject was considered by the C.R.C., Bhubaneswar and rejected on the ground that the sons of the deceased GDS are major and leading married life and the daughters are also married. Hence the condition is not practically indigent."

4. The Applicant has disclosed his age to be more than 25 years and has also disclosed his annual income to be 5000/-. Nothing has been placed on record to show as to whether other members of the family (other four brothers of the Applicant) have got any independent source of income or they are dependent on the widow/Applicant. But, certainly all of them are major and married by now. By the time of the death of the GDS MC/father of the Applicant, he had only four months of service to go before his retirement and materials are available to show that for the said period, the Applicant was given engagement on 89 day basis in two stages. Since, it is said that the Applicant's father served for 38 years, terminal benefits must have been paid to the family following to premature death of the GDS MC. In the said premises, it can not be said that the rejection of the prayer for compassionate appointment was unjust.

5. In the above view of the matter, this O.A. stands dismissed.

No costs.

*J. J. J.*  
28/11/2005  
MEMBER (JUDICIAL)