

O.A.No. 64 OF 2006.

KISHORE KUMAR JAGAT ..... APPLICANT.  
Versus  
UNION OF INDIA & ORS. .... RESPONDENTS.

1. Order dated 20-01-2006.

Applicant's father was serving as a Mails Overseer in the Postal Department of the Government of India. He expired prematurely on 06-04-2003 leaving behind his family in a distress/indigent condition. In the said premises, in order to tide over the sudden jerk/distress condition of the family, a prayer was made to provide an employment to a member of the family of the deceased Government servant. The said prayer having been rejected on 03-03-2004, the Applicant had approached this Tribunal in an earlier Original Application No. ~~334~~<sup>344</sup> of 2004; which was disposed of on 09-09-2005. The Respondents although admitted the

indigent/distress condition of the family of the deceased Government Servant, disclosed that the prayer for providing an employment on compassionate ground could not be taken up because more deserving cases were in hands of the Respondent- Department to provide employment assistance. It appears , the Department although found the case in hand to be a genuine one requiring employment assistance , they could not provide an employment assistance because of the ceiling of 5% quota earmarked for providing employment assistance on compassionate ground. The explanation of the Respondent-Department having been accepted, the grievance raised by the present Applicant in the said O.A. No. ~~334~~<sup>344</sup> of 2004 stood disposed of.

2. Now by placing copies of the Departmental circular No. 37-16/2001-SBP-I of the Department of posts in the Ministry of Communications of the Government of India issued on 25<sup>th</sup> July, 2001, the Applicant has pointed that in the event of non-availability of adequate vacancies in the Department, authorities

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ought to have given consideration to the case of the Applicant to be engaged in GDS/ED Organization of the Postal Department. In fact that is the purport of the Government circular dated 25<sup>th</sup> July, 2001. It appears, the Applicant has represented to the authorities/Respondents to reconsider his case for providing an employment (on compassionate ground) in GDS/ED Organization of the Postal Department. A copy of the said representation dated 05-12-2005 has been filed as Annexure-A/5 to this Original Application filed under section 19 of the Administrative Tribunals Act, 1985.

3. Since Respondent Department accepted the case of the Applicant (son of the deceased Government Servant) to be a genuine/indigent case and since the Respondent Department could not provide him an employment (despite the indigence) because of paucity of vacancy(earmarked for providing employment assistance on compassionate ground), in all fairness of things, the Respondent Department ought to have

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considered his case for providing him an engagement in GDS/ED Organization of Postal Department.

4. In the aforesaid premises, this Original Application is hereby disposed of with direction to the Respondents to reconsider the case of the Applicant for providing him an employment in GDS/ED Organization of the Postal Department; on the face of his representation under Annexure-A/5 dated 05-12-2005 and the Departmental Circulars dated 25-07-2001 and clarification issued on 14-01-2002 of the Postal Department. The entire exercise shall be completed within a period of 90(ninety) days from the date of receipt of a copy of this order.

5. It has been reported in the Bar that for the reason of the ban imposed in filling up of the posts in GDS/ED organization, it may be difficult for the Department to provide an employment to the Applicant on compassionate ground. It is, therefore, made clear that since the father of the Applicant died on 06-04-2003, the ban in engaging EDA/GDS in the GDS/ED organization

would not stand on the way of the Department to provide an engagement to the Applicant in GDS/ED Organization.

Send copies of this order to the Respondents, along with copies of the Original Application and free copies of this order be given to Mr. S. Patnaik, learned counsel appearing for the Applicant and Mr. Bimbisar Dash, learned Additional Standing Counsel for the Union of India (on whom a copy of this Original Application has already been served) who is present and heard in the matter.

*J. Mohanty*  
20/01/06

(M.R. MOHANTY)  
MEMBER (JUDICIAL)

*order 20/01/06*  
*Copies of order*  
*already handed*  
*over to both the*  
*counsel.*

*Copies along with*  
*copies of order sent*  
*to all members.*

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