

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 489 of 2006
Cuttack, this the 28th day of June, 2007.

Jagdish Seth Applicant
Versus
Union of India & Others Respondents

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not? Yes
1. WHETHER it be circulated to all the Benches of the Tribunal or not? Yes

(B.B.Mishra)
MEMBER (A)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**O.A.NO.489 OF 2006
THIS IS THE 28th DAY OF June, 2007)**

CORAM:

HON'BLE SHRI B.B.MISHRA, ADMINISTRATIVE MEMBER

In the matter of:

Jagadish Seth, aged about 32 years, son of Late
Rupdhar Seth, At- Padmapur, Post-Rajborasambar, Dist-
Bargarh.

.....Applicant

Advocate for the Applicant: M/s. B.B.Patnaik, P.Khosla,

J.Patra,

Versus:

1. Union of India, represented through Chief Post Master General, Orissa Circle, Bhubaneswar, Dist. Khurda.
2. Superintendent of Post Offices, Sambalpur Division, At/Post-Sambalpur, Dist. Sambalpur.
3. Sub-Divisional Inspector of Post Offices, At/Post-Rajborasambar, Dist-Bargarh.
4. Director (C.R.C.) Office of the C.P.M.G. Orissa Circle Bhubaneswar, Dist. Khurda.

.....Respondents

Advocates for the RespondentsMr. S.Barik.

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ORDER

MR. B.B.MISHRA, MEMBER(A):

Rupadhar Seth was a Postal employee working as Sub Postmaster of Padmapur Sub Post Office. While he was in service, he died prematurely on 18.08.2001. The present Applicant (Jagdish Seth) is the son of the deceased Postal employee. After the death of his father, he represented to the Respondents seeking employment assistance on compassionate ground. Silence on the request to provide employment on compassionate ground, formed the subject matter of consideration in Original Application No 969 of 2005 which was heard and disposed of by this Tribunal on 28.12.2005 with direction to the respondents to take a view on the grievance of the Applicant within a period of 90 days.

2. Thereafter, the case of applicant for employment on compassionate ground was considered but the prayer of the Applicant was rejected under Annexure-A/6 dated 21.03.2006 on the following grounds:

1. The family is not in indigent condition;
 2. he bereaved family has got a building worth about Rs. 10,000,00/-;
 3. 1st son of deceased is employed;
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4. Rs.40,000/- is income per annum from the house rent;
5. Late official had left only 2 ½ of the service;
6. There is no unmarried daughter to be given for marriage;
7. The applicant is major and capable of finding himself.

3. Hence, this Original Application with the prayer to quash the impugned order of rejection under annexure-A/6 and direct the Respondents to reconsider the case of applicant for providing employment on compassionate ground. His grounds of challenge of the order of rejection under Annexure-A/6 dated 21.03.2006 are as under:

- (a) The consideration of the case of Applicant was based on improper report submitted by the Supdt. of Post Offices; inasmuch as there is no such building standing either in the name of the applicant nor any member of his family;
- (b) When there is no building belongs to the member of the family of applicant question of getting Rs.40,000/- HRA per annum does not arise;
- (c) Annexure-A/7 is the Income certificate of the Tahasildar showing the annual income of Rs.8000/- per annum which is

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no sufficient to meet both ends in these hard days;

- (d) There is no other income of the family and he being a Scheduled Caste employee his case ought to have been received due consideration over and above the persons those who were considered and provided employment assistance on compassionate ground when his father died;
- (e) Though his elder brother is in employment he is staying separately and is not looking after the other members of the deceased family.
- (f) The deceased family members are still in indigent condition.

4. The sum and substance of the stand of the Respondents in their counter is that appointment on compassionate ground cannot be a source of recruitment. It is merely an exception to the requirement of law keeping in view the fact of the death of the employee while in service, leaving his family without any means of livelihood. . In such cases, the object is to enable the family to get over the sudden financial crisis such appointments have, therefore, to be made in accordance with rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. Since on enquiry it was found that the family of the Applicant is financially sound than the persons

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who were considered along with the Applicant and that it was not possible to adjust him within the 5% of the vacancies earmarked for compassionate appointment, his case was rejected and communicated to him under Annexure-A/6 which needs no consideration.

5. Heard Learned Counsel for both sides and perused the materials placed on record. No material has been produced by the Respondents showing that the Applicant is in possession of the building worth of Rs. 10,000,00/- and receipt of House Rent of Rs.40,000/- per annum. Rather it is seen under Annexure-A/7 that the annual income of the family is Rs.8000/- per annum. It is also the specific case of the Applicant that his elder brother though employment is not supporting the family and is residing along with his wife and children separately. But no such document has been produced to support this stand. The Respondents have also not produced comparative statement showing the details of the candidates found more deserving than the present Applicant and the manner of consideration made by them. None can claim employment on compassionate ground as a matter of right. The employment on compassionate ground is always subject to the financial distress of the bereaved family. But the consideration must be fair, transparent and based on rationality. In order to obviate any indiscrimination in the

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matter of consideration, this Bench of the Tribunal, have time and again given suggestion to the highest authority of the Postal Department to issue exhaustive instruction for making objective and point wise assessment (as is being observed by the Ministry of Defence), so as to minimize the multiplicity litigation in this regard (OA No. 749 of 2005 disposed of on 27th day of September, 2006 (Shri Bijay Kumar Acharya v. Union of India and others). But it is not known as to whether the case of the Applicant has received consideration in the light of the suggestions given by this Tribunal and they are as under ose manner of consideration for providing employment on compassionate ground this Tribunal have suggested for making objective and point wise assessment (as is being observed by the Ministry of Defence), in the following manner:

Monthly income of earning member(s),
income from property and points to be
awarded:

(i)	No income	05
(ii)	Rs.1000 or less	04
(iii)	Rs. 1001 to 2000	03
(iv)	Rs. 2001 to 3000	02
(v)	Rs.3001 to 4000	01
(vi)	Rs. 4001 and above	Nil

No. of dependents:

(i)	3 and above	15
(ii)	2	10
(iii)	1	05

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No. of unmarried daughters:

(i)	3 and above	15
(ii)	2	10
(iii)	1	05
(ii)	Nil	

No. of minor children:

(i)	3 and above	15
(ii)	2	10
(iii)	1	05
(iv)	None	00

Left over service:

(i)	0-5	02
(ii)	Over 5 & upto 10 years	04
(iii)	Over 10 & upto 15 years	06
(iii)	Over 15 & upto 20 years	08
(iv)	Over 20 years	10

6. But neither of the parties informed as to whether any such instructions have been issued by the Respondents to obviate the possibility of subjective assessment, as in the instant case, while considering the grievance for providing employment on compassionate ground. I find that since there is controversy in the assessment of the financial condition of the Applicant, I think it proper to quash the order of rejection under Annexure-A/6 and remit the matter to the Respondents to reconsider the case of applicant after making a thorough enquiry with regard to the assets/financial condition of the deceased family. It is so ordered with further



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direction that the entire process shall be completed within a period of 120 days from the date of receipt of a copy of this order.

7. In the result, this OA stands allowed by leaving the parties to bear their own costs.

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24/6/07
(B.B.MISHRA)
Member(Admn.)