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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.525 OF 2006**  
**Cuttack, this the 1<sup>st</sup> Day of November, 2007**

Sri Laba Kumar Mahanta ..... Applicant

Vs.

Union of India & Others ..... Respondents

**FOR INSTRUCTIONS**

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

  
(M.R. MOHANTY)  
VICE-CHAIRMAN

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CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. NO.525 OF 2006**  
**Cuttack, this the 1<sup>st</sup> Day of November, 2007**

**CORAM:**

**HON'BLE SHRI M.R. MOHANTY, VICE-CHARMAN**

**IN THE CASE OF:**

Sri Laba Kumar Mahanta, aged about 26 years, Son of Late Indrajit Mahanta, Village-Boitalupada, P.O. Chudamanipur, Via-Hatigarh, P.S. Raibania.

..... Applicant

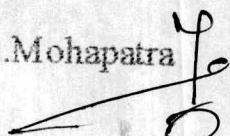
By the Advocate(s) ..... M/s. K.C. Kanungo,  
S. Beura

**Vs.**

1. Union of India represented thorough the Secretary-cum-D.G. Posts, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist. Khurda, Pin-751002
3. Superintendent of Post Offices, Balasore Division, Balasore-756001.

..... Respondent(s)

By the Advocate(s) ..... Mr U.B. Mohapatra



O R D E R

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Prayer of the Applicant for an employment on compassionate ground following to the premature death of his father, was turned down under Annexure A/9 dated 17.08.05, the text of which reads as under:-

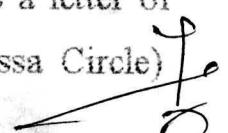
“ Your application for the compassionate appointment was considered by the Circle Relaxation Committee and the Chief Post Master General, Orissa and the case was rejected”.

2. Another rejection order under Annexure A/10 dated 02.11.05 reads as under:-

“I am directed to say that since the compassionate appointment case has been rejected by the Circle Relaxation Committee, it is regretted that your request for reconsideration of the same cannot be acceded to.”

3. Challenging the aforesaid rejection order the Applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.

4. Prima-facie, the impugned order under Annexure A/9 dated 17.08.05 and Annexure A/10 dated 02.11.05, being bereft of reason, is certainly not sustainable.

5. By filing reply/counter the Respondent Department has placed on record Annexure-R/2 dated 26.07.05 (which is a letter of the Assistant Director of the Office of the CPMG, Orissa Circle) 

addressed to the Supdt. Post Offices, Balasore Division, Balasore. The text of the said letter dated 26.07.05 reads as under:-

“Sub:-Compassionate appointment of Sri Laba Kumar Mahanta, S/o Late Indrajeet Mahanta, Ex GDS BPM, Chudamanipur B.O. in a/c with Hatigarh S.O. under Jaleswar H.O.

**Ref:Your letter No.A/ED Relax-19/2004-05,dt.11.4.05**

The compassionate appointment case of Sri Labakumar Mahanta, S/o Late Indrajeet Mahanta, Ex-GDS BPM, Chudamanipur B.O. was put up before the CRC for consideration. The Circle Relaxation Committee after going through the records and reports submitted by the SPOs, Balasore did not recommend the case due to the following reasons:-

1. Both the sons of the ex-employee are major. The candidate is educated and can compete for a job in the open market.
2. There is no liability of minor children to be taken care of nor liability of marriage of daughter.

The views of the Circle Relaxation Committee was accepted by the Chief PMG, Orissa and the case was rejected.

The applicant may please be given a suitable reply at your end”.

6. The aforesaid document dated 26.07.05 of the Department goes to show that, for the following reasons, the Department turned down the prayer of the Applicant for an employment on compassionate ground:-

- (a) Because both the sons of the ex-employee are major;
- (b)because the Applicant is an educated and can compete for a job in the open market,
- (c )There is no liability of minor children to be taken care of nor liability of marriage of any daughter.

*✓*  
*✓*

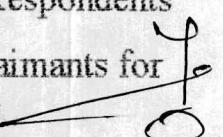
7. By filing rejoinder, the Applicant has pointed out that the independent income of mother (Rs.7,500/-) and that of the Applicant (Rs.13,000/- of which Rs.10,000/- is the earning as a daily wage earner) is insufficient for three grown up persons including an old ailing widow.

8. On analysis, it appears, that the family is in receipt of independent income of Rs.7,500/- + R.13,000/- = Rs.20,500/- and that the said annual income of Rs.20,500/- provides, the family, Rs.1,784/- per month; which is certainly insufficient for the family of three grown up members. Paucity of sufficient money for a minimum dignified living of three grown up persons (including an old ailing widow) is definitely a liability. Thus, absence of liability could not have been a reason to reject the case of the Applicant.

Since, under the Govt. rules, only major individuals can be provided with Government employment, majority of the sons (Applicant & his brother) could not have been a reason to reject the case.

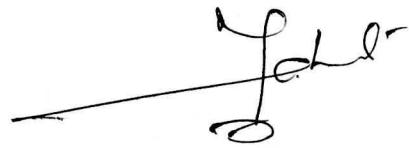
Education of the candidate seeking employment on compassionate ground is a plus point for the Department and that could not have been a reason to turn down the case of the Applicant.

9. All these discussions in foregoing para-8 goes to show that in the decision making process, the Respondents have committed miscarriage of justice and that warrants immediate reconsideration of the matter, especially because it is not the case of the Respondents that, by comparing the case of the Applicant with other claimants for



compassionate appointment, they found the case of the Applicant to be less deserving.

10. Therefore, the impugned orders under Annexure R/2 dated 26.07.05, Annexure- A/9 dated 17.08.05 and Annexure-A/10 dated 02.11.05 are hereby quashed and the matter is remitted back to the Respondents to reconsider the case of the Applicant in the next Circle Relaxation Committee and, while doing so, the Respondents are to keep in mind that, for the reason for improper appreciation, the case of the Applicant did not receive due consideration in the previous Circle Relaxation Committee. In the result this O.A is allowed; but without imposing any cost.



(M.R. MOHANTY)  
VICE-CHAIRMAN

Kalpeswar