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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.681 OF 2006
Cuttack, this the 29th Day of October, 2007

Smt. Sumidha Pandey & another Applicants

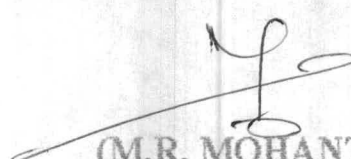
Vs.

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?

No


(M.R. MOHANTY)
VICE-CHAIRMAN

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.681 OF 2006
Cuttack, this the 29th Day of October, 2007

CORAM:

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

IN THE CASE OF:

1. Smt. Sumidha Pandey, aged about 50 years, Wife of Late Harisankar Pandey.
2. Shri Subrata Kumar Pandey, aged about 25 years, Son of Late Harisankar Pandey
Village/Po: Bhukta, Ps: Ambadhana, Dist: Bargarh, Orissa
..... Applicants

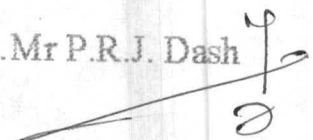
By the Advocate(s) Mr. D.P. Dhalsamant
P.K. Behera

Vs.

1. Union of India represented thorough the Secretary, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. Chief Postmaster General, Orissa Circle, Bhubaneswer, Dist. Khurda, Pin-751002
3. The Postmaster General, Department of Posts, Sambalpur Division, Sambalpur.
4. The Supreintendent of Post Offices, Sambalpur Division, Sambalpur.

..... **Respondent(s)**

By the Advocate(s)..... Mr P.R.J. Dash



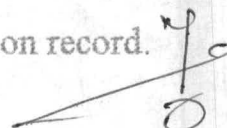
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O R D E R (ORAL)

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Shri Harisankar Pandey, while serving as Postal Assistant in Bargarh Head Post Office under Sambalpur Postal Region/Division of Orissa, died prematurely on 16.09.2002 leaving behind his widow Smt. Sumidha Pandey (Applicant No.1), son Judhistir Pandey, Sanjay Pandey and Subrat Pandey (Applicant No.2). In order to overcome the distress condition of the family, they represented for an employment on compassionate ground. Ultimately, on 04.05.05, Subrat (Applicant No.2) was intimated that his case was considered but could not be recommended for an employment because of paucity of vacancies meant for compassionate employment. In a sense the Respondents intimated the Applicants that limited vacancies that were available for compassionate appointment were given to more deserving indigent cases. In the said premises the Applicants have approached this Tribunal with the present O.A filed under Section 19 of the Administrative Tribunals Act, 1985. The Respondents by filing counter have tried to explain the circumstances in which the case of the Applicant could not be recommended for an employment assistance.

2. Heard Mr. D.P. Dhalsamant, Ld. Counsel for the Applicant and Mr. P.R.J. Dash, Ld. Addl. Standing Counsel for the Respondent and perused the materials placed on record.



3. In order to substantiate their case, being called upon, the Respondents produced before this Bench the Register in which comparative chart between the indigent persons were prepared and in which, finally, the most deserving indigent persons were selected to provide them employment on compassionate ground. The said comparative chart goes to show that the Circle Relaxation Committee of Postal Department (at CPMG Orissa level) recommended two cases of/ S. Patra and Jasodhara Kisan. On looking to the said comparative chart, it appears that cases of S. Patra and J. Kisan are really more deserving cases than that of the present Applicant. While in the family of the Applicant (besides the widow) there are three grown up male members; in the case of S. Patra (apart from the widow) there are two un-married daughters (including one minor) and two un-married sons (including one minor) and in the case of J. Kisan, it is seen that, apart from the widow, there are three un-married daughters and three sons (including one minor). Thus, it cannot be said that while giving consideration to the case of the Applicant there was any miscarriage of justice in the matter of dispensation of justice.

4. The Government of India clarification dated 26.04.2001 at (Annexure R/5) goes to show as under:-

“ If the candidate is found to be in an indigent condition but could not be offered appointment for want of sufficient vacancies in any particular office to accommodate the candidate then it is open to the Administrative Office to take up the matter with other Ministry/Department Offices to the Government of India to provide appointment on compassionate ground.”

5. It appears the Respondents of the present case did not take any step to recommend the case of the Applicant to any other Ministry/Department/Office to provide an employment to the Applicant on compassionate ground.

6. It appears further that vide O.M. dated 05.05.03 issued by DOP&T of Government of India, virtually, directed for consideration of deserving cases (like the present one) on three occasion.

7. While the case of the Applicant received due consideration by the Circle Relaxation Committee in its meeting held on 10/11 March, 2005; it appears that the case of the Applicant did not receive consideration of subsequent two occasions.

8. In the aforesaid premises, this O.A. is hereby disposed of with a direction to the Respondents to consider the case of the Applicant on two more occasions for providing him employment on compassionate ground. Respondents should also make all endeavour to request other Ministries/Department of Government of India to explore the possibility for providing employment to the Applicant.

9. With the aforesaid observation and direction this Original Application stands disposed up.


(M.R. MOHANTY)
VICE-CHAIRMAN