

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Postal A.Ds. from

R-1 to 3 not back

Nobody appears

on behalf of respondents.

Courts not filed.

h-
25/7

Regn

26.07.02

The Applicant is absent on call. A.D. returned after service from R-4 who is absent on call. No steps taken by him to file counter. Await return of A.Ds from other respondents till 19.8.02

REGISTRAR

A.Ds. from R-1 to 3

not yet back

Nobody for impdts.

Side - files app. memo.

Courts not filed.

h-
29/8

Regn

02.09.02

The Applicant is absent on call. R-4 continues to remain absent. A.Ds not yet back from R-1 to R-3 although notices by registered post sent on 2.6.02 and hence the service treated sufficient on them. Call on 23.9.02 for counter if any.

REGISTRAR

Mr. A.K. Bose, S.C.

appears on behalf

of respondents.

Courts not filed.

h-
29/8

Regn

Order dated 13.1.2003

Heard Shri S.J. Nanda, Advocate for the Applicant and Shri A.K. Bose, learned Senior Standing Counsel for the Respondents.

Applicant's father died prematurely on 27.9.1996, while working as Deputy Post Master of Sambalpur Head Office. It appears that the applicant's family are the members of Scheduled Tribe/Oram. Following to premature/untimely death of the sole bread earner of the family, the family has gone to distress and in the said premises, a prayer was made to provide an employment assistance, on compassionate ground, to the present applicant; the only son of the deceased Deputy Post Master. The prayer of the Applicant having been turned down by the Circle Relaxation Committee, he has filed the present Original Application under Section 19 of the A.T. Act for redressal of his grievances. The following two grounds have been assigned under Annexure-7 dated 30.1.2002 by the Respondents, while rejecting the claim of the Applicant for a compassionate appointment. -

- "1. The family has got total terminal benefit around Rs. 2,44,163/- & also getting Family Pension @ Rs. 2770/- + D.R. p.m.
2. There is no liability"

Both the grounds aforesaid are interlinked

Law is well settled in the cases of Balbir Kaur & Another vs. Steel Authority of India Ltd. & Ors. (reported in 2002(2) ATT(SC) 255), Rankanidhi Sahoo vs. Union of India (reported in 2002(2) 1 C.J.D.(AT) 21) and Mina Kumari Mohanty & another vs. Union of India & Ors. (reported in (1994) 2

AFR

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

23.09.02

Parties are absent on call. No steps taken by them to file counter. Therefore, put up before the Bench for further orders.

REGISTRAR

Counter filed
Copy sent.

for further orders.

On 21.11.02

~~Counter~~

Respondent not
appeared.

For further orders.

On 26.11.02

Respondent filed
copy sent.

for further orders.

ATT(CAT) 120) that terminal benefits should not be computed for determination of indigent condition of the family. Thus the first ground urged for rejection of the prayer for compassionate appointment is ^{hereby} overruled. Now let us examine the 2nd ground urged for rejection of the prayer. It has also been explained in the counter (as pointed out by Shri A.K.Bose, learned Senior Standing Counsel) that following to premature death of the Deputy Post Master, the ~~family~~ family, now consists of the widow ^{only} and the son (Applicant). It is the case of the Respondents that since the family has received a substantial amount towards terminal benefits, the same is sufficient for two members of a family to sustain ^{themselves} and it cannot be said that the family is indigent.

Since the determination of the indigent condition of the family, terminal benefits are not to be computed; it can safely be concluded that the family is in distress condition and, once the family is in distress condition, a compassionate appointment should be given to one of the members of the family to remove the indigent condition.

In the aforesaid premises, while quashing/setting-aside the order under Annexure-7 dated 30.1.2002, the matter is again remitted ^{back} to the Respondents, who should ^{re-}consider to provide a compassionate appointment in favour of the Applicant; as terminal benefits are not to be computed for determining indigent condition of the family. Since the death of the

AFR

Deputy Post Master took place in the month of June/96,
the Respondents would act expeditiously, preferably, by
the end of March, 2003 on the direction as given above.

This O.A. is disposed of in the light of the
observations and directions made above. No costs.

Send copies of this order to Respondents and
free copies of this order be also handed over to the
learned counsels of both sides.

AFR

J. Chandy
13.01.2003
MEMBER (JUDICIAL)

Or. No. 13.1.03

Copy of order

Sent to all respondents,
and said copies
of order handed over
to counsels for
both sides.

for
20/1/03

DR
20/1/03
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