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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.879 OF 2006**  
Cuttack, this the <sup>08th</sup>..... Day of October, 2007

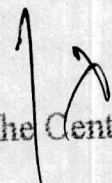
A Kateswar Rao, ..... Applicant

**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?

  
**(KULDIP SINGH )  
VICE-CHAIRMAN**

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.879 OF 2006**  
**Cuttack, this the *08<sup>th</sup>*..... Day of October, 2007**

**CORAM:**

**HON'BLE SHRI KULDIP SINGH, VICE-CHARMAN**

**IN THE CASE OF:**

Sri A Kateswar Rao, aged about 29 years son of A. Laxman Rao,  
At/Po. Khallikote, Dist. Ganjam.

..... Applicant

By the Advocate(s) ..... M/s Dipti Ranjan Mohapatra,  
T.K. Acharya, B. Pasayat,  
Miss. S. Pradhan

**Vs.**

1. Union of India represented thorough its Chief Post Master General, Orissa Circle, Bhubaneswar, At/Po/Bhubaneswar, Dist. Khurda.
2. Superintendent of R.M.S., B.O. Division, Berhampur, At/Po.Berhampur, Dist. Ganjam.

..... Respondent(s)

By the Advocate(s).....Mr.S. B. Jena.

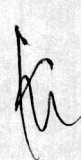
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O R D E R

SHRI KULDIP SINGH, VICE-CHAIRMAN

Heard Mr.D.R. Mohapatra, Ld. Counsel for the Applicant and Mr. S.B. Jena, Ld. Counsel for the Respondents. The Applicant has filed this O.A. seeking direction to the Respondent No.2 to provide him an appointment under Rehabilitation Assistance/ compassionate ground in a regular post within a stipulated time.

The facts as alleged by the applicant, in brief, are that, the applicant's father namely A. Laxman Rao was working under Respondent No.2 as Mail-man who died in harness. Upon his death the applicant had submitted an application for being granted an appointment on compassionate ground. As stated by the applicant, the family of the deceased employee after his death was leading a life of penury in indigent circumstances. The case of the applicant was considered by the Circle Relaxation Committee which met on 22<sup>nd</sup> February 1998 and the Committee was pleased to approve the appointment for compassionate appointment for the applicant in the cadre of Mail-man under Berhampur Division. However, the applicant was given appointment vide Annexure-3 on a temporary arrangement at the minimum scale of pay and D.A. as admissible to a Mail-man. It is significant to mention here that in the appointment order it is mentioned that this temporary arrangement is done, in view of the financial stringency of the deceased employee and as there is no vacancy under compassionate appointment quota in this division. Subsequently applicant was appointed as Gramin Dak Sevak (GDS). The applicant had earlier also filed an O.A. which was disposed with a direction to the Respondents for giving regular appointment in some other post..

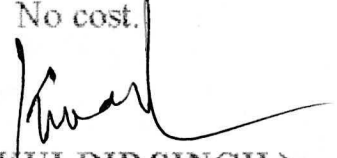




The Departmental Respondent contested this O.A. by filing counter affidavit. The respondents submitted that the compassionate appointment can be made only if a vacancy is available for that purpose and since there is no vacancy under compassionate quota in this Division, in order to mitigate the hardship faced by the applicant's family during the period the applicant was ordered to work against the leave vacancies on temporary basis and thereafter as per Annexure R-5 the applicant was offered to the post of Gramin Dak Sevak. After receiving offer he has been working as such.

Having heard the Ld. Counsel for the parties, gone through the records. At the outset the Ld. Counsel for the Departmental respondents submitted that if any vacancy in the post of Mail-man becomes available under the compassionate quota, applicant will be offered the same. In my view of the circumstances the stand taken by the Respondents is quite reasonable. Unless vacancy is available under compassionate quota applicant cannot be appointed in regular manner. Since the Respondents agree that as and when vacancy will arise the same shall be offered to the applicant, so, I think this O.A. can be disposed of with a direction to the Respondents that as and when vacancy is made available, the same shall be offered to the applicant in accordance with rules. Ordered accordingly.

With the above this O.A. stands disposed of. No cost.



( KULDIP SINGH )  
VICE-CHAIRMAN