

Original Application No.981/2002
Order dt.24.09.2003

The Applicant, a holder of Degree in Bachelor in Arts in Social Science from Utkal University and a Post Graduate Diploma holder in Computer Application, has filed this Original Application under Section-19 of the Administrative Tribunals Act, 1985 seeking a direction to the Respondents to provide him (Applicant) a compassionate appointment/employment in the Postal Department of Govt. of India.

2. Applicants' father, Prananath Dalai, was in employment as the Sub Postmaster of Tangi Sub Post office under Khurda Head Post office. Said Sub-Postmaster died prematurely, while he was in service, on 17.05.2000. The family of the deceased Government servant got terminal benefits of Rs.4.96 lakhs. The Applicant's mother is also getting family pension of Rs.3400/- (plus D.R.) per month. Applicant's father, Prananath Dalai, a member of Scheduled cast, left behind the following legal heirs:-

1. Satyabhama Dalai (53) widow
2. Pratima Das (30) married daughter
3. Raja Kumar Dalai (29) son
4. Jayanta Kr. Dalai (26) son
5. Anita Dalai (20) unmarried daughter

The Applicant having obtained death certificate (Annexure-3) and Legal heir certificate (Annexure-4 dt.15.07.2000) etc., filed an application (before the Respondents) seeking an employment on compassionate grounds to overcome the sudden zerk of the family (caused due to premature death of the sole earning member/sole bread earner of the family) and the said prayer (of the Applicant) having been turned down by the Circle Relaxation Committee (under Annexure-6 dt.26.12.01), this Original Application has been filed; after submitting a representation under Annexure-8.

3. The grounds set-forth by the Respondents/Circle Relaxation Committee (under Annexure-6 dt.26.12.01) for rejecting

the prayer of the Applicant reads as follows:

- " 1. The family has got Rs.4.96 lakhs as terminal benefits and also getting family pension of Rs.3400 + D.R. P.M.
2. It is not case of indigence. "

Thus, it appears that the Circle Relaxation Committee did not find the family (of the Applicant/deceased Sub-Post Master) as an indigent one ; because the family received Rs.4.96 lakhs as terminal benefit and because the widow is getting family pension of Rs.3400 + D.R. per month. In the counter, filed by the Respondents, nothing else has been shown, which led the Circle Relaxation Committee to hold the family to be not indigent.

4. Mr.K.C.Kanungo, learned counsel appearing for the Applicant and Mr.A.K.Bose, learned Senior Standing Counsel appearing for the Respondents/Department have been heard and the materials placed on record have been perused. Law is well settled by now that the terminal benefits/pensionary benefits are not^{to} be computed to find the indigent condition of the family. It appears from the averments made in the pleadings of the Applicant that the deceased Sub-Postmaster left behind no house for a smooth inhabitation; for which the family members had to reconstruct the same, which has damaged in the super cyclone, of 1999. It appears further that the Applicant's family have got no other sources of income even from the agriculture. For the reasons of the Judgement of the Hon'ble Supreme Court of India(rendered in the case of Balbir Kaur and another Vrs. Steel Authority of India Ltd and others reported in A.I.R.-2000 Supreme Court at page 1596), the terminal benefits (granted to the family of the pre-maturely deceased Government servant) are not to be computed to find out the indigent condition of the family. This Tribunal consistently

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taking the same view. In the case of Meena Kumari Vrs. Union of India and others (reported in 1994(2)ATT CAT 12) and in the case of Rankanidhi Sahu Vrs. Union of India and 8 others (reported 2002(1) C.J.D.(AT) 21), this Tribunal took the view that terminal benefit and pensionary benefits are not to weigh the minds of the authorities, while considering indigent condition in the case of providing compassionate appointment to the dependants of pre-maturely deceased Govt. servant.

5. Since the Circle Relaxation Committee has rejected the prayer of the Applicant(to provide him compassionate appointment) on the finding that the family of the Applicant to be not indigent ; by taking into consideration the terminal benefits paid, the same are not sustainable. Therefore, the order of the Circle Relaxation Committee (as communicated under Annexure-6 dt.26.12.2000) is hereby quashed and, as a consequence, the Respondents are hereby called upon to reconsider the grievance of the Applicant(to provide him a compassionate employment) within a period of 90 days from the date of receipt of a copy of this order. This Original Application is accordingly allowed. No costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER(JUDICIAL)
24/09/2003

Copy of order
dt. 24/9/03 issued
to the counsel for
both side.

[Signature]
S.O.

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29/9/03