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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 989 of 2002
Cuttack, this the 22nd day of March, 2004

Gyana Ranjan Singh.

....

Applicant.

-Versus-

Union of India & Ors.

....

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the
reporters or not? *Yes.*

2. Whether it be circulated to
all the Benches of the Tribunal
or not? *No*

Manoranjana
22/03/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

PRESENT: THE HONOURABLE MR. M. R. MOHANTY, MEMBER (JUDL.).

Gyana Ranjan Singh. ... Applicant.

-Vrs.-

Union of India & Ors. ... Respondents.

For the Applicant : Mr. A. K. Mishra, Counsel.

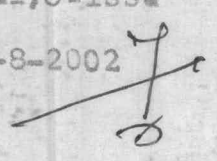
for the Respondents; Mr. S. Behera, Counsel.

Date of decision: 22-03-2004.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Suklamber Singh, a poor Mail Carrier of Extra Departmental Organisation attached to Berboi Branch Post Office, died prematurely, on 22-04-2001, leaving behind his distress family and, in the said premises, Gyana Ranjan Singh (Applicant and 2nd son of the deceased) approached the Authorities for providing him an employment on compassionate ground. The said prayer of the Applicant, having been turned down by the Circle Relaxation Committee (in short 'CRC') as is evident from Annexure-R/1 dated 23rd July, 2002 (issued under the signature of Sri P. N. Pal, Asst. Director (Rectt.) O/O. the Chief Postmaster General, Orissa Circle, Bhubaneswar) and from Annexure-3 dated 2-8-2002



(of the Superintendent of Post Offices, Puri Postal Division) the Applicant has approached this Tribunal in the present Original Application under section 19 of the Administrative Tribunals Act, 1985.

2. It is the case of the Respondents-Department that Suklamber's wife having pre-deceased him and his two daughters having been married, the terminal benefits, granted to the family were enough for the two sons of the deceased EDDA-Cum-MC. The legal heir certificate produced by the Applicant (at Annexure-2 dated 23.05.2001) goes to show that by the time of death of the EDMC, both the sons were major and one of them had already married. It is the case of the Respondents-Department that the deceased family is having 1.6 acres of Agricultural land and income from Agricultural land is Rs.16,000/- per annum. Besides that the deceased family has income of Rs.3,000/- from other source and, therefore, the CRC (while considering the case of the Applicant by taking the income of Rs.16000/- from the Agricultural source) rejected the grievance of the Applicant for providing him employment assistance on compassionate ground.

3. Mr. J. Sengupta, learned counsel appearing for the Applicant and Mr. S. Behera, Learned Additional Standing Counsel were heard and materials placed on record were perused.

4. Law is well settled by now that terminal benefits granted to the family following to the premature

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death of the employee cannot be counted for the determining the indigent/distress condition of the family in the case of Balbir Kaur and another Vs. Steel Authority of India Ltd and Ors (2002(2)ATT(SC) 255 and Mina Kumari Mohanty Vrs. UOI (1994)2 ATT(CAT) 120 and in the case of Rankanidhi Sahoo Vs. UOD & Ors. (2002(2)1 CJD (AT)21). Therefore, once the terminal benefits are taken out of consideration, there remains only the income from Agrl. source of Rs. 16,000/- per annum, as has been disclosed by the Respondents in their counter. It is to be noted here that Rs. 16,000/- is definitely not enough for two sons, now-a-days, to sustain their livelihood and, therefore, the Respondents-Department ought not to have assessed the same to be enough/to assess the family to be not in indigent. Further more, merely because the family has got a house worth of Rs. 30,000/- the Department should not have turned down the prayer of the Applicant to provide him a compassionate employment.

5. In conclusion, the decision of the Respondents-Department/its CRC not to provide a compassionate employment to the Applicant (by treating the family to be not indigent) is not sustainable and, therefore, the orders of the Respondents-Department under Annexure-R/1 dated 23.7.2002 and that under Annexure-3 dated 2nd August, 2002 are hereby quashed/set aside by leaving the Respondents to reconsider the case of the Applicant to provide him a compassionate employment. The entire exercise should be

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completed within a period of 90 days from the date of receipt of a copy of this order. In the result, this Original Application is allowed. No costs.

Manoranj
22/03/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
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