

ORDER DATED 23-04-2003.

Heard Mr. P.K. Mishra, Learned Counsel appearing for the Applicant and Mr. J.K. Nayak, Learned Additional Standing Counsel appearing for the Respondents and perused the records.

2. Grievance of the Applicant for providing employment on compassionate ground, having been rejected and communicated in Memorandum dated 5th February, 2002 under Annexure-7, he has filed this Original Application under section 19, of the Administrative Tribunals Act, 1985 for quashing the order of rejection under Annexure-7 with a direction to provide employment assistance to the Applicant on compassionate grounds.

3. Fact as revealed from the Original Application is that the father of the Applicant, breathed his last prematurely while in service on 26.11.1999. It has been averred by the Applicant in his Original Application that the deceased left behind his old mother, widow and the Applicant, and as the family is in dire and acute distress condition, after the death of the sole bread earner of the family, he applied for providing employment assistance in his favour in order to remove the distress condition. But it is the case of the applicant that without considering his case in a rightful manner, the Respondents rejected the said prayer of the applicant under Annexure-7.

4. Respondents have filed their counter. In the counter it has been disclosed by the Respondents that

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the Applicant is the third son of the deceased Gouranga Charan palai. The eldest son Sri Ramesh Chandra palai is already employed as a Junior Clerk in the Government Boys High School, Bhubaneswar and the second son Sri Subash Chandra palai is serving as a Junior Engineer (Civil) in the D.R.D.A. at Rayagada. The mother of the Applicant is receiving Rs. 2,750/- per month, as family pension and there is no unmarried daughter. It has been specifically averred by the Respondents that all of them are staying together jointly. It has further been disclosed by the Respondents that after receipt of the application for appointment, the matter was enquired into and since it was found that there is no financial hardship, the grievance of the applicant was rejected and communicated to him vide order under Annexure-7.

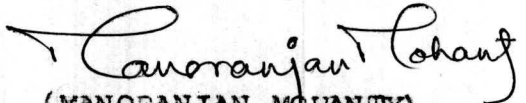
3. Applicant by filing rejoinder to the counter of the Respondents has disclosed that the two sons are staying separately and, as such, they are not looking after the Applicant and his mother. But no conclusive and unimpeachable materials have been placed on record showing that the two brothers of the Applicant are staying separately or the family is in distress condition. As the family is not residing in the native village, the certificate granted by the village Sarapanch (relating to separation of the family) is not acceptable.

6. It is worthwhile to mention here that the very object of the scheme for providing employment assistance

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on compassionate ground, is to remove the distress condition of the family of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood. This is, however, not an alternative mode of generating employment. This can only be extended where the family is in indigent condition and deserves immediate assistance for relief from financial destitution. The Respondents, in this case, after making thorough enquiry, consciously came to the conclusion that the family is not in an indigent condition and this Tribunal is not competent to make a roaving enquiry in order to find out the truth or otherwise of the assertion of the Respondents that all the family members are staying jointly; more so in absence of any documentary proof. Further more with regard to the decision of the Respondents that the family is not in indigent condition does not appeal to the conscience of the judiciary to be a wrong one.

7. In the said premises, I find no reason to interfere with the decision of the Respondents, and, therefore, this Original Application is dismissed being devoid of any merit. No costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 23/04/03