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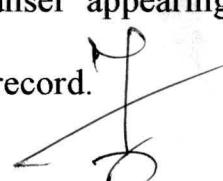
O.A.No. 1060 OF 2002.

Order dated: 24-03-2006.

Father of the Applicant was a Class IV employee of the Postal Department. He expired prematurely on 05-05-2000 leaving behind the applicant and three sisters. As the deceased employee was the only bread earning member of his family, after his death, the present applicant, to overcome the distress/indigent condition of the family applied for employment assistance on compassionate ground; which was rejected by the CRC under Annexure-5 dated 28.1.2002, on the ground that the family is in receipt of Rs. 1,00,000/- as terminal benefits apart from Rs.1275/- per month as family pension.

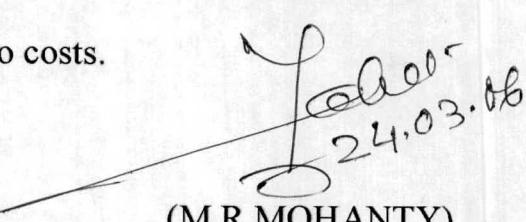
2. Respondents have filed their counter stating that (A) after the death of the Govt. employee, an amount of Rs. 1,00,000/- has been paid to the family as terminal benefits apart from monthly family pension of Rs.1275/-; (b) the wife predeceased the Govt. Servant and (c) as there are no distress condition in the family (in view of the fact they have been paid the terminal benefits and monthly pension), the CRC has rightly rejected the claim of the Applicant.

3. Heard learned counsel appearing for both the parties and perused the materials placed on record.



4. On perusal the materials placed on record, it is seen that the order of rejection is not sustainable in the touch stone of judicial scrutiny as it has been held by the Hon'ble Apex Court in the case of Govind Prakash Verma Vrs. Life Insurance Corporation of India and Others – 2005 SCC (L&S) 590 and in the case of Balbir Kaur & Anr. Etc. VRS. Steel Authority of India Ltd. & Ors. –(2002) 2 ATT (SC) 255 that terminal benefits extended to the distress family, are not to be taken into consideration for the purpose of adjudging the distress condition of the family and, accordingly, the impugned order under Annexure-5 dated 28.1.2002 is hereby quashed.

5. The Respondents are hereby directed to reconsider the case of the Applicant for providing him an employment assistance on compassionate ground within a period of 30 days from the date of receipt of a copy of this order. In the result, this OA stands allowed. No costs.


(M.R.MOHANTY)
MEMBER(JUDICIAL)

24.03.06