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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.1122 OF 2002
Cuttack, this the 26th day of March, 2004

Shri Bankanidhi SahooApplicant.

Vrs.

Union of India and others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *AB*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *75*

Sahoo
(B.N.SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 1122 OF 2002
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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

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Sri Bankanidhi Sahoo, aged about 30 years, son of late
Bidyadhar Sahoo of village Chhakdipur, P.O. Biribadi,
P.S.Tangi, Dist.Khurda

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Applicant

Advocates for the applicant - M/s D.P.Dhal, B.B.Mishra,
B.K.Panda, K.Dash,
D.K.Patnaik & P.K.Routray

Vrs.

1. Union of India, represented through Divisional Railway Manager (P), South Eastern Railway, Khurda Road, At/PO/Dist.Khurda
2. Divisional Personnel Officer, South Eastern Railway, Khurda Road Division, At/PO/Dist.Khurda

..... Respondents

Advocate for Respondents - Mr.T.Rath

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SHRI B.N.SOM, VICE-CHAIRMAN

Shri Bankanidhi Sahoo has filed this
Original Application seeking appointment on
compassionate ground.

2. The case of the applicant is that his
father, late Bidyadhar Sahoo, died while in service on
17.7.2000. He had left behind the widow and six
children including the applicant. To overcome the
financial distress the mother of the applicant had

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submitted representation for compassionate appointment of the applicant in exclusion of two elder brothers of the applicant as they both were uneducated whereas the applicant had read up to Class VIII and was capable of discharging any job in any office. But the Respondents did not consider his case sympathetically and therefore, he has come up in this Original Application seeking direction from the Tribunal to quash Annexure 6, the letter dated 2.7.2002 issued by Respondent No.1 rejecting the application of this mother for granting compassionate appointment to him and to direct the Respondents to give an appointment to the applicant.

3. The Respondents have contested the Original Application stating that the case of the applicant does not come within the rehabilitation assistance scheme because the deceased employee, i.e., father of the applicant had died less than two months before attaining the age of 60 years. Further, on enquiry, it revealed that the deceased Railway servant had not left any liability behind him, his three daughters were married, and out of three sons 2 sons were in private employment. They have, therefore, rebutted the statement made by the applicant that ex-employee has left behind six dependant legal heirs. Respondent No.1 had also rejected the application for employment assistance on the following grounds:

"With reference to above it is to inform that the instant case has been examined and put up to the competent authority who has not approved the same as

the ex-employee expired at the age of 59 years that is on the verge of his due retirement on superannuation of age and good amount has been paid as settlement dues to the widow including the family pension and as such this case cannot be considered as a financially poor condition of the family on date.

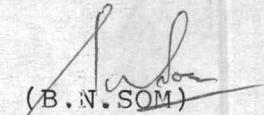
As such employment assistance to Sri Bankanidhi Sahoo, S/o late Bidia s/o Kapila on compassionate grounds is rejected."

They have, therefore, submitted that the application of the mother of the applicant was found without merit by them and that the case in point does not come within the objective of compassionate employment scheme framed by the Respondents, which is meant to help the family to tide over a sudden crisis. They have also referred to the decision of the Apex Court to state that compassionate appointment cannot be demanded as a matter of right.

4. We have heard the learned counsel for both sides. No rejoinder has been filed by the applicant in spite of several opportunities given. However, after the hearing of the case was completed, the learned counsel by filing MA No.38 of 2004, sought permission of the Court to submit rejoinder. After hearing MA on 4.2.2004, when the learned counsel for the Respondents was also present, the prayer made in the MA for filing of rejoinder and further hearing was rejected. However, liberty was given to the learned counsel for the applicant to submit written submission in lieu of rejoinder if he would so desire. However, no written submission has been filed by the applicant thereafter.

5. I have carefully considered the family circumstances narrated by the applicant in the Original Application and also the records placed before me by the Respondents in this regard. From a perusal of the records, I find that it is a fact that the ex-Railway servant, i.e., the father of the applicant had died at the age of 59 years, 10 months and two days. He had three daughters whom he had settled by way of giving them in marriage before he died. The fact that the three sons, two sons are already employed has also not been rebutted by the applicant. As the father of the applicant died while in service, the family pension would be double of the normal rate for 7 years. In this view of the matter, the case for rehabilitation assistance has not truly been made out.

6. In view of the aforesaid facts and circumstances of the case, I see no merit in the Original Application which is rejected. No costs.


(B.N. SOM)
VICE-CHAIRMAN

an/ps