

10

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 1157 of 2002
Cuttack, this the 13th day of January 2005

Alekh Charan Routray & Others Applicants
Vrs.
Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not ? } 13


(B.N. SOM)
VICE-CHAIRMAN

V
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 1157 of 2002
Cuttack, this the 13th day of January 2005

CORAM :

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

.....

1. Alekh Charan Routray aged about 57 years, At/Po: Sailo, PS: Govindpur, Dist:Cuttack.
2. Ashok Kumar Routray aged about 27 years, S/o Alekh Charan Routray, At/Po: Sailo, PS: Govindpur, Dist: Cuttack.

..... Applicants

Advocates for the Applicant - M/s. G.Rath, S.N.Misra,
T.K.Prahraj.

Vrs.

1. Union of India represented through its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist: Khurda.
3. Senior Superintendent of Post Offices, Cuttack City Division, Cantonment Road, Cuttack.

..... Respondents

Advocates for the Respondents - Mr. S.B.Jena(R-1 to 3)

.....

2

O R D E R

SHRI B.N.SQM, VICE-CHAIRMAN

Shri Alekh Charan Routray, a retired Government servant, has filed this O.A., being aggrieved by the decision of the Respondents to reject the application of his son (Applicant No.2) for providing employment on compassionate ground as per the scheme notified by the department.

2. The facts of the case in a nutshell are that the applicant No.1 retired on medical invalidation w.e.f. 20.6.98 when he had several years to go before super-annuation. He got an amount of Rs. 1,18,000/- as terminal benefit from the Respondents on his premature retirement. He was saddled with a huge family liability with four children including one marriageable daughter. He was confident that his claim **would** be honoured by the Respondents as he had retired on medical ground under Rule 38 of CCS(Pensions) Rules, 1972 before attaining the age of 55 years. He was also hopeful that his son would be provided with employment by the department. But, that having not materialised due to illegal, arbitrary order of the Respondents, he has approached this Tribunal for relief as stated in the O.A.

3. The Respondents have opposed the application by filing detailed counter. They have admitted the facts of the case. They have, however, submitted that the

13

application of the applicant No.2 was duly put up before the Circle Relaxation Committee for consideration of his appointment under the compassionate appointment Scheme. The committee examined his name along with as many as sixtynine other cases available for filling up four posts for PA/SA, one post for Postman/Mailguard and one post for Group-D as per the vacancy position for the year 2001 under compassionate quota. After examining the synopsis and connected records of these seventy cases and after an objective assessment of the assets, liabilities, amount of terminal benefit received by the ex-official's family, number of dependants to be taken care of and number of sisters/daughters to be married off, the CRC did not find the case of applicant No.2 as most indigent and deserving to be offered appointment under compassionate Scheme.

4. I have heard the Ld. Counsel for both the parties and have perused the records.

5. The Ld. Counsel for the applicant assailed the inaction of the Respondents/CRC in refusing compassionate appointment under the Scheme to the applicant on the ground that the applicant No.1 is in receipt of monthly pension and had received Rs.1,18.000/- as retiral benefit. His argument was that the Apex Court has already set the law that retiral benefit can not be made a ground for denying the benefit of compassionate appointment to the family of an employee. The Respondents

9
✓

in the counter have disclosed that they had considered the relative merit of the cases of the seventy applicants for filling up six posts under various cadres and only those cases which were found to be most deserving being most indigent were only selected. They have also given the parameters under which the relative merit of each case was adjudged by the CRC.

6. I had also called upon the Respondents to produce the comparative list of these seventy candidates prepared by them for perusal. The Ld. Additional Standing Counsel had produced the list and read out the reasons recorded by the CRC for accepting six applications and for rejecting the application of applicant No.2 and others. From the comparison of the relative economic condition of the candidates there was no doubt that the cases which were picked up for offering appointment under compassionate quota had more indigent condition, more liabilities than the applicant No.2 and others. The Office O.M. dated 30.6.37 referred to by the applicant issued by the Ministry of Personnel and Public Grievance and Pensions regarding appointment of son/daughter or near relative of a deceased Government servant is also applicable in exceptional cases to a Government servant retired on medical grounds under Rule 38 of CCS(Pensions) Rules, 1972 when the department is satisfied that the condition of the family is indigent and is in great distress. In other words, it is the department who is

to satisfy ~~itself~~ about the exceptional indigent condition of a family of a retired Government servant. This is done obviously because the number of appointment during a year is limited to only 5% of the direct recruitment vacancies occurring during that year. In the instant case, as disclosed by the Respondents they had seventy applications before them chasing six vacancies in different cadres. Naturally, they had to screen the most deserving out of the deserving cases and in that determination of the most deserving cases the applicant No.2 could not be included, not because of any bias on the part of the CRC, but on the merit of the case.

7. That being the facts of the case, I am unable to see any scope of judicial intervention in the matter, and accordingly, the O.A. is disposed of. No costs.


(B.N. Srinivasan)
VICE-CHAIRMAN