

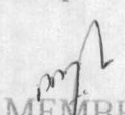
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O.A.NO.164 OF 2007

ORDER DATED 01.05.07

Mr.D.K.Mohanty,Ld.counsel for the Applicant has been heard. Mr.S.Barik.Ld.ASC for the Respondents is also present. Mr.Mohanty, Ld.Counsel for the Applicant has filed certain documents today in the open court i.e. the translated and typed papers along with Xerox copies of the originals thereof i.e. the copies of letters of Smt.Ahalya Rout, Sri Dipti Ranjan Rout and Kumar Damayanti Rout ^{all etc} dated 5.3.04 addressed to the Superintendent of Post Office, Cuttack and the letter of Ahalya Rout dated 10.9.04 addressed to the Chief Post Master General, Bhubaneswar.

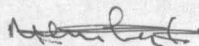
2. Having heard the Ld.Counsel for the Applicant, issue notice of motion for admission of the O.A. and on the M.As. 290 & 297/07(for joint application and condonation of delay respectively) to the Respondents returnable by four weeks.

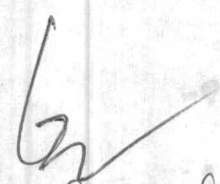

MEMBER(ADMN.)


VICE-CHAIRMAN

Order dated 28/09/07

for the reasons recorded separately,
the O.A. is disposed of


MEMBER(ADMN.)


MEMBER(ADMN.)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

Original Application No. 164 of 2007

Friday, this the 28th day of September, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

1. Smt. Ahalya Rout,
W/o. Late Niranjana Rout
2. Deepak Ku. Rout,
S/o. Late Niranjana Rout,
Both are residing at Nuapada,
P.O. Nuapada, Via. Balipada
Distt. Kendrapara ... Applicants.

(By Advocate Mr. D.K. Mohanty)

v e r s u s

1. Union of India represented through
its Director General of Posts,
Ministry of Communications,
Department of Posts, Dak Bhawan,
New Delhi : 110 001
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar
3. Superintendent of Post Offices,
Cuttack North Division, Cuttack-1 ... Respondents.

(By Advocate Mr. S. Barik, ACGSC)

ORDER

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The applicants have been aggrieved by the rejection of their request for compassionate appointment in the wake of the demise of Niranjana Rout, the first applicant's husband (and father of applicant No. 2). Late Niranjana Rout was a GDS employee, who died on the last day of his service as a GDS. Rejection of

[Signature]

compassionate appointment of Applicant No. 2 was stated to be on the following grounds, vide Annexure A-4 :-

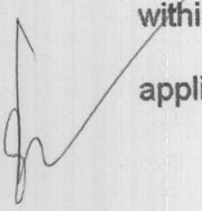
(a) The Ex-GDSBPM late Niranjan Rout expired on the date of his superannuation.

(b) All children of the deceased are grown up and the sons are also married.

2. The rule on the subject of compassionate appointment for the family of GDS employees is that a suitable job in ED cadre may be offered to one dependant of an ED official who dies while in service leaving the family in indigent circumstances subject to the conditions applicable to regular employees who die while in service or retire on invalid pension. Such employment to the dependant should, however, be given only in very hard and exceptional cases.

3. There is no specific bar in the Rules for considering the case of the family member, for compassionate appointment, of an employee who died on the date of his superannuation. Death on the last day of service is also death while in service. As such, rejecting the case of the applicants on the ground that the 2nd applicant's father died on the last date of his service is violative of rules.

4. The OA is, therefore, disposed of with a direction to the respondents to consider the case of the applicants in accordance with the extant rules and regulations, contrasting the financial position and other attendant aspects with those of others for arriving at a conclusion whether the applicant No. 2 comes within the category of "deserving case" and if so, take further action. In case the applicant's case falls off the category of deserving cases, then by a reasoned



order, the applicants be informed and while so doing, they must be afforded with the details (details of financial condition, family members etc.,) of those cases where on consideration along with the case of the applicants, appointment has been offered. Consideration of the case shall be in the next Circle Relaxation Committee meeting and shall repeat as per rules.

5. No costs.

(Dated, the 28th September, 2007)


(DR. K B S RAJAN)
JUDICIAL MEMBER