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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.450 OF 2007
Cuttack, this the 13th Day of November, 2007

Sri Chakradhar Baliarsingh..... Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

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


(G. SHANTHAPPA)
MEMBER(J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 450 OF 2007

Cuttack, this the 13th Day of November, 2007

CORAM:

HON'BLE SHRI G. SHANTHAPPA, MEMBER(J)

.....

IN THE CASE OF:

Sri Chakradhar Baliarsingh, aged about 30 years, Son of late
Gadadhar Baliarsingh, At/P.O. Bankoi, Via-Bolagarh, Dist.-Khurda,

At/Present-

-do-

..... Applicant

By the Advocate(s)

.....M/s.Ramakanta Sahoo,
Rajjeet Roy,
S.K. Singh.

Vs.

1. Union of India represented through the Chief Post Master
General Orissa, Bhubaneswar-751002
2. Senior Superintendent, Post Office Puri Division, Puri,
At/P.O./Dist-Puri.
3. Sub-Divisional Inspector (Postal), Nayagarh East Sub-
Division, At/P.O. Nayagarh, Dist.Nayagarh.

..... Respondent(s)

By the Advocate(s).....Mr. U.B. Mohapatra,

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O R D E R

SHRI G. SHANTHAPPA, MEMBER(J)

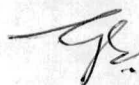
I Heard Shri P.S. Sahoo, Ld. Counsel for the applicant and Shri U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents. Shri U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents is directed to take notice for the respondents and accordingly he is permitted to file Appearance Memo in the Registry.

2. The Above application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief's: -

“ To quash the order of rejection under Annexure-6; To direct the Respondents to consider the case of the applicant for appointment on compassionate ground; To pass such other order/s as deem fit and proper in favour of the applicant.”

3. Though the case is posted for admission with the consent of the Ld. Counsels from either side, case is taken up today for final disposal.

4. The brief facts of the case of the applicant are that the father of the applicant died in harness on 02.09.05. The mother of the applicant had submitted an application on 28.11.05 (Annexure-A/2) to provide an employment on compationate ground to her son i.e. the applicant herein. Subsequently, the Inspector of Post Office, Nayagarh submitted the Inquiry Report in respect of the financial status of the deceased employee. The applicant was asked for certain documents, accordingly the applicant submitted the documents



which are asked for. Based on the Inquiry Report submitted by the Inspector of Post Office and the documents, the Circle Relaxation Committee has taken the decision as per order (Annexure-A/6) dated 14.05.07. The observation made in the impugned order is as below:-

"Both sons are major. No liability. One son is employed. 02 Acres of landed property. No indigence observed."

5. Ld. Counsel for the applicant submits that the brother of the applicant is living separately. There is a partition among the family members before the death of the father of the applicant. Since his brother is separated from the family, the applicant and his mother are residing under one roof, the family is in indigent condition. Ld. Counsel for the respondent submits that sons of the deceased employee are major and one son is employed. Based on the Inquiry Report the Circle Relaxation Committee has taken a decision that there is no indigence circumstances to the family of the deceased employee. The Circle Relaxation Committee has taken correct decision. It is further submitted that as per income certificate issued by the Tahasildar, the income of the applicant is 15,000/- per annum, hence there is no financial distress to the family.

6. Subsequent to the impugned order, the applicant has submitted representations as per Annexure-A/7 and A/8. When those representations were pending, the applicant approached this Tribunal.

7. I carefully examined the impugned order and also the submission made by the Ld. Counsel for the applicant and the Ld. Counsel for the Respondents. The Ld. Counsel for the respondents

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submits, on 26.04.07 the Circle Relaxation Committee carefully considered and took a decision that the applicant has not shown indigent condition and financial distress to the family of the deceased employee, it is further submitted that there is no impediment on the part of the respondents that the case of the applicant can be considered another 02 occasions as per the O.M. dated 05.05.03. The Ld. Counsel for the applicant submits he has no objection to give such a direction. Para-2 & 3 of the O.M. dated 05.05.03 is given below:-

"2. It has, therefore, been decided that if Compassionate Appointment to genuine and deserving cases, as per the guidelines contained in the above OMs is not possible in the first year, due to non-availability of regular vacancy, the prescribed Committee may review such cases to evaluate the financial conditions of the family to arrive at a decision as to whether a particular case warrants extension by one more year, for consideration for Compassionate Appointment by the Committee, subject to availability of a clear vacancy within the prescribed 5% quota. If on scrutiny by the Committee, a case is considered to be deserving, the name of such a person can be contained for consideration for one more year.

3. The maximum time a person's name can be kept under consideration for offering Compassionate Appointment will be three years, subject to the condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year. After three years, if Compassionate Appointment is not possible to be offered to the Applicant, his case will be finally closed, and will not be considered again."



8. On the submission made by the Ld. Counsel from both sides I direct the respondents to consider the case of the applicant another 02 occasions in accordance with the O.M. dated 05.05.03 issued by the DOP&T which is extracted above and Scheme for compationate appointment including the instructions issued from time to time by the DOP&T on the subject. Since the impugned order is in the nature of administrative order I am not inclined to quash.

9. With the above observations and directions this O.A is disposed of at the admission stage.


(G. SHANTHAPPA)
MEMBER(J)

Kalpeswar