

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No. 124 OF 2008  
CUTTACK, THIS THE 29<sup>th</sup> DAY OF April, 2009

Jatindra Kumar Nayak..... Applicant

Vs

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 ?

  
(C.R.MOHAPATRA)  
MEMBER (ADMN.)

  
(K. THANKAPPAN)  
MEMBER (JUDL.)

7

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CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 124 OF 2008  
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CORAM :

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)  
HON'BLE MR. C.R.MOHAPATRA, MEMBER(A)

Sri Jatindra Kumar Nayak, aged about 29 years, Son of Late Trilochan Nayak, At-Shankapata, Ward No.8, Baripada, PO/PS-Baripada, Dist. Mayurbhanj.

.....Applicant

Advocate(s) for the Applicants- M/s. Anjan Kumar Biswal

VERSUS

1. Union of India represented through Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, 5<sup>th</sup> Floor, New Delhi –110001.
2. Director, Directorate of Field Publicity, Govt. Of India (I&B) East Block-IV, Level-III, R.K.Puram, New Delhi-66.
3. Deputy Director (Admn.) Directorate of Field Publicity, Govt. of India, Ministry of Information & Broadcasting (I&B) East Block-IV, Level-III, R.K.Puram, New Delhi- 66.
4. Administrative Officer, Directorate of Field Publicity, Govt. of India, Ministry of Information & Broadcasting (I&B) East Block-IV, Level- III, R.K.Puram, New Delhi-66.
5. Regional Officer, Directorate of Field Publicity, Ministry of INB))33 Forest Park, Bhubaneswar-9.

..... Respondents

Advocates for the Respondents – Mr. R.C.Swain.

## ORDER

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Applicant, son of a deceased Government employee, has filed this O.A. seeking the following relief:

"8(i) to quash the orders under Annexures-1,2 & 3 being illegal and contrary to law.

(ii) to direct the opp. Parties, in particular the opp. Parties No.2 and 3 to consider the case of the applicant for appointment on compassionate ground, within a specific date."

2. It is the case of the applicant that his father late Trilochan Nayak while working as Field Publicity Assistant in the office of the 5<sup>th</sup> Respondent expired on 18.02.2005 and, as per the employment assistance scheme, the applicant is entitled for an appointment on compassionate ground. Though, he filed an application to that effect with all necessary documents but by Annexure-A/1 and A/3 replies, the claim of the applicant has been rejected. The applicant submits that he is entitled for compassionate appointment as he comes within the parameters prescribed for such appointment. Since, his father died in harness leaving behind his mother and two other children and the family is in indigent condition, however without considering the case of the applicant, the Respondents have rejected his application on the ground that the family has



received an amount of Rs. 6 lakhs and odd on account of Gratuity, PF accumulation, payment of savings and insurance funds under the CGEGI scheme, leave encashment besides the family is getting a monthly pension of Rs. 5,325/- per month at the enhanced rate. Further, it is submitted by the applicant that the ground of rejection as set out in Annexure-A/2 that due to limited number of vacancies prescribed under compassionate appointment quota, the Committee did not recommend the case for compassionate appointment, is not binding on the Department and also not sustainable.

3. We have heard the Ld. Counsel appearing for the parties and also perused the records produced in the O.A.

4. Admittedly, as per the rehabilitation scheme, the Committee for compassionate appointment or the authorities have to take into consideration various factors for the purpose of providing an appointment under the scheme. As per the judgment of the Apex Court, it is the settled position of law that the authorities have to consider the eligibility of a person to be provided with the appointment under this quota. It is clear that the authorities have to take into account the indigent position of the family as whether the family deserves immediate assistance in order to alleviate the financial destitution, if any. The order impugned would show that the family of the applicant, after the

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- 4 -

death of his father, was in receipt of more than six lakhs rupees towards terminal benefits besides the family is getting a family pension of Rs. 5325/- per month with enhanced rate and the authorities had clearly held that the family of the deceased employee was neither indigent nor without any means of livelihood to be provided with compassionate appointment to get over the financial crisis due to sudden death of Govt. employee. Further, the Department had stated in Annexure-A/1 as well as in Annexure-A/2 that there is no vacancy to accommodate the applicant even if he is found eligible for appointment under the scheme. It is an admitted position of law that only limited quota of 5% is reserved for appointment under the compassionate appointment scheme and that too against direct recruitment. It is also to be noted that as per Annexure-A/3, there is a proposal for winding up of the Institution where the father of the applicant was working.

5. In the above circumstances, this Tribunal is not in a position to hold that the rejection of the application of the applicant is erroneous being not in accordance with the principles laid down by the Apex Court in different judgments. Apart from that, the financial position of the family of the applicant cannot be considered as below Poverty Line compared to other families in the State. If a family gets a lump

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sum of Rs. 6 lakhs, now a days, it is quite enough for a family to find out ways and means to sustain its livelihood. That apart, the family is getting a monthly income of Rs. 5,325/- towards pension. We have also taken into consideration the Memorandum dated 7.5.2008 issued by the Respondents in pursuance of the direction of this Tribunal issued in this O.A. on 29.02.2008, while issuing notice to the Respondents, which in our considered view for the reasons discussed above, does not suffer from any infirmity.

6. In the result, O.A. being devoid of merit is dismissed. No costs.

Chakrabarty  
(C.R.MOHAPATRA)  
MEMBER (ADMN.)

Thankappan  
(K.THANKAPPAN)  
MEMBER (JUDL.)

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