

3

O.A. No.492/08

ORDER DATED 12th DECEMBER, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (J)
Hon'ble Shri C.R. Mohapatra, Member (A)

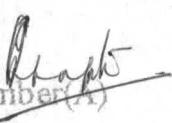
Heard Mr. R. Ray, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents.

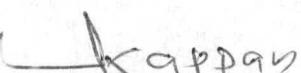
2. The applicant has filed this Original Application with the prayer to quash the order under Annexure-A/10. The Chief Post Master General Orissa Circle Bhubaneswar, in pursuance of this Tribunal's order dated 13.11.07 in O.A. No.450 of 2007 has passed a speaking order whereunder it has been stated that the Circle Relaxation Committee has reconsidered the case of the applicant and has observed that the applicant's elder brother is employed and the family has two acres of landed property and further the applicant belongs to the GDS Community where there is no such restriction of 5% vacancy prescribed for compassionate appointment. In terms of DOP&T order dated 05.05.03 the applicant is entitled to be considered thrice, i.e., on three consecutive occasions. It appears that the concerned authorities have considered the case of the applicant according to the DOP&T instruction. The applicant's father expired on 02.09.2005 and the purpose of compassionate appointment is to overcome the imminent financial indigence. Three years in the meantime have passed.

The family is able to sustain itself with the existing level of income. The Ld. Counsel for the applicant submitted that the elder, son who is employed, is staying separately. This is no ground for invoking the Scheme for compassionate appointment.

3. Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents submitted that since the applicant has received due consideration by the concerned authorities in terms of DOP&T order, there is no merit in the application.

4. In view of the above, this Original Application is dismissed at the admission stage itself. No costs.


Member (J)


Kappan
MEMBER (J)