

OA No.497 of 2008

Smt.Kausalya Pati & Anr. .... Applicants  
Versus  
UOI & Ors. .... Respondents

1. Order dated 19<sup>TH</sup> August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

Heard Learned Counsel for both sides and perused

the material placed on record.

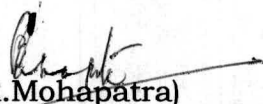
One Satyabadi Raiguru was working as GDSBPM of Saljharia Branch Post Office in account with Khandaparagarh Sub Post Office under Nayagarh Head Post Office in Puri Postal Division. While working as such, he died on 17.02.2006 prematurely leaving behind the widow (Applicant No.1) and one son (Applicant No.2). Fact of the matter is that at the time of the death of the GDS employee, Applicant No.1 was aged about 55 years and the son was 35 years. After the death of the GDS employee, Applicant No.2 sought employment on compassionate ground. Respondents considered his grievance but rejected the claim on the ground that there is no liability of the family and the family is not in indigent condition after the death of the GDS employee and communicated the said decision under Annexure-6. Both the widow and the son by filing the present OA seek to annul the said order of rejection under Annexure-6 with direction to the Respondents to provide appointment to the Applicant on compassionate ground. Respondents opposed the stand of the Applicants by filing counter in this case. The main substance of the contention of the Respondents is that appointment on compassionate ground is not an alternate mode



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of appointment. It is a benevolent legislation and can be extended only to one of the members of the deceased Government servant provided the family is/are in indigence after the death of the bread earner of the family and that appointment can only be provided if there is vacancy within the 5% quota earmarked for the above purpose. As the CRC assessed that the conditions of the family are not indigent, and more deserving one's had applied so as to be accommodated in comparison to others within the 5% earmarked vacancy of compassionate appointment, they rightly rejected the claim of Applicant and communicated the same under Annexure-6. Having heard the parties and on perusal of the records produced in this case, I find no irregularity or miscarriage of justice in the decision making process of the matter. But there has been no say in the counter as also in course of hearing whether the case of the Applicant has received further consideration second time and third time as has been provided in the circular of the DOP&T dated 05.05.2003. In the light of the above, while maintaining the order of rejection under Annexure-6, the Respondents are directed to consider the case of Applicant No.2, if not already done, for two more occasions in term of the aforesaid instruction of DOP&T and communicate the result thereof to the Applicant.

With the aforesaid observations and directions, this OA stands disposed of. No costs.

  
(C.R. Mohapatra)  
Member (Admn.)