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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 525 OF 2008
Cuttack, this the 16th day of July, 2009

Krishna Chandra Karan Applicants

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?



**(K. THANKAPPAN)
JUDICIAL MEMBER**

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NOs. 525 OF 2008
Cuttack, this the 16th day of July, 2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member (J)
.....

Krishna Chandra Karan, aged about 21 years, S/o.-Late Mahindra Karan,
At/Po-Karadapada, Ps-Ganza, Dist Nayagarh.

..... **Applicant**

By the Advocate(s) **Mr. D.K. Mohanty,**

Vs.

1. Union of India represented thorough its Director General of Posts, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001,
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Khurda, Pin-751 001
3. Senior Superintendent of Post Offices, Puri Division, Puri-752001.

..... **Respondents**

By the Advocate(s)..... **Ms. S. Mishra, A.S.C**

O R D E R

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

Challenging Annexure-A/4 order passed by the Respondents rejecting the claim of the applicant for employment assistance under the compassionate appointment scheme, this Original Application has been filed by the applicant with the following prayer:-

- “ (i) To quash the order of rejection dated 02.09.08 under Annexure-A/4;



- X
- (ii) To direct the Respondents to reconsider the case of Applicant and provide him appointment on compassionate ground;
 - (iii) To pass any other order/orders as deemed fit and proper."

2. The short factual matrix leading to filing of this application is as follows:-

While working as GDSBPM of Karada Pada Branch Post Office, the applicant's father died untimely on 08.03.2007 leaving behind his widow, one son (the present Applicant) and three married daughters. After the death of his father, the present applicant filed an application for employment on compassionate ground with all required documents, such as, death certificate, legal heirs and Income certificate, etc. However, as per the impugned order dated 02.09.08 (Annexure-A/4) the Circle Relaxation Committee has considered the matter and did not find any justification for approval for the following reason:-

"The Ex-GDS left behind 2 dependants i.e. widow-47 years & one unemployed son 21 years. There is no liability like unmarried daughter and education of minor children. The family has Ac 2 of landed property and derives Rs.30,000/- annual income. Not in indigent circumstances. Not recommended"


3. In response to notice issued by this Tribunal, a counter reply has been filed for and on behalf of the Respondents. In the counter the Respondents have reiterated the stand taken in the impugned order. It is stated that the family of the deceased employee consists of only two dependents, i.e., the widow of the deceased employee and the applicant, as the daughters are married. That apart, the family has Ac 2 of landed property and derives Rs.30,000/- annual income. If so, the family is not in indigent condition.



4. Heard Mr. D.K. Mohanty, Ld. Counsel for the applicant and Mr. S. Mishra, Ld. Counsel for the Respondents and perused the materials placed on record.

5. The impugned order states that the family of the deceased employee is not in an indigent condition as the family has Ac 2 of landed property and derives Rs.30,000/- annual income and this is the basis for finding the applicant as not eligible for getting compassionate appointment. On perusal of the income certificate issued by the Tahasildar, Daspalla, vide Annexure-A/3, it is seen that the family has annual income of Rs.15,000/- per annum and there is no statement given by the Tahasildar regarding the landed property. This Tribunal is not in a position to see how could the Department come to the conclusion that the family has Ac 2 of landed property and derives Rs.30,000/- of annual income. In the above circumstances, the findings entered by the Department are not based on any evidence. This Tribunal is, therefore, of the view that the case of the applicant has to be reconsidered and a fresh decision taken by the Respondent-authorities within a reasonable time, at any rate within three months of the receipt of the copy of this order. Accordingly, Annexure-A/4 order dated 02.09.08 is quashed and the matter remitted back to Respondents No.2 and 3 for reconsideration.

6. With the above observation and direction, this Original Application is allowed. No orders as to costs.


(K. THANKAPPAN)
JUDICIAL MEMBER