

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 528 of 2008
Cuttack, this the 19th day of May, 2010

Smt. Sukanti Sahu & Anrs. Applicants
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?

(C.R.MOHAPATRA)
MEMBER (ADMIN.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.528 of 2008

Cuttack, this the 19th day of May, 2010

C O R A M:

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

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1. Smt. Sukanti Sahu, W/o.Late Biswanath Sahu, At-Masia Khalli, Post-Krupasindhupur, Via-Nimakhandi, Dist. Ganjam.
2. Satyanarayana Sahu, S/o.Late Biswanath Sahu, At-Masia Khalli, Post-Krupasindhupur, Via-Nimakhandi, Dist. Ganjam.

.....Applicants

Legal practitioner :Mr. P.K.Panda, Counsel.

- Versus -

1. Union of India represented through the Chief Postmaster General, Orissa Circle, At/Po. Bhubaneswar, Dist. Khurda.
2. Postmaster General, Berhampur (Ganjam) Region, At/Po. Berhampur, Dist. Ganjam.
3. Director of Postal Services, Ganjam Region, At/Po. Berhampur, Dist. Ganjam.
4. The Superintendent of Post Offices, Aska Postal Division, At/Po. Aska, Dist. Ganjam.

....Respondents

Legal Practitioner :Mr. Subhasis Mishra, ASC

O R D E R

MR. C.R.MOHAPATRA, MEMBER (A):-

Applicants are the widow and son of Late Biswanath Sahu. Late Biswanath Sahu was a Postal Assistant under the Respondents; who died of cancer prematurely 17.08.2003. Applicants' contention is that as the other dependent members of the deceased Government Servant were minor, Applicant No.1 under compulsion sought appointment on compassionate ground to redeem the financial loss caused to the family after the death of the only bread earner of the family i.e. Late Biswanath Sahu. She has the qualification of Class VII only. Further case of the Applicants is that it was intimated to the widow by letter under Annexure-A/3 that her case was considered but rejected by the CRC to provide appointment on the ground of non-availability of Gr.D/postman vacancy under the quota and her case would not be considered for PA for not having the required educational qualification. It was further intimated in the said letter that her case will be considered in the next CRC. Her grievance is that on receipt of the letter of rejection in Annexure-A/3 through representation she requested for providing appointment on compassionate ground in GDS. But it is alleged

that no heed was paid to such request of the applicant No.1 and however, meanwhile the Applicant No.2 having acquired the qualification of graduation and having become major, the widow, applicant No.1 through representation under Annexure-A/5 requested the Respondents, to provide appointment on compassionate ground in favour of her son (Applicant No.2) instead of her. According to the Applicants, no consideration having been given to such request as in Annexure-5, they have approached this Tribunal in the present Original Application seeking direction to the Respondents to provide appointment to Applicant No. 2 either as PA or to any post commensurate with his qualification.

2. In the counter, the Respondents fairly submitted that in the CRC meeting held on 10-11/03/2005 & 14/11/2006 considered the case of Applicant No.1 for appointment on compassionate ground but no appointment was provided to her due to non-availability of vacancy in Gr. D cadre. Her case could not be considered for the post of PA as she did not possess the minimum qualification for the said post. But it has been submitted that her case is going to be considered again in the next CRC to be held very shortly and as the case of applicant No.1 has not been closed the case of her son could not be considered till date.

3. Learned Counsel appearing for both sides reiterated the stand taken in their respective pleadings and having heard them at a considerable length, perused the materials placed on record. In the order under Annexure-A/3 as also in the counter it has been admitted by the Respondents that the grievance for providing appointment on compassionate ground has not been closed and the case of Applicant No.1 will be considered in the CRC meeting to be held shortly. It is the positive case of the Applicants that Applicant No.1 sought appointment as applicant No.2 was a minor and meanwhile that too during the pendency of the grievance, applicant No.2 became major for which applicant No.1 requested through representation to give consideration to the case of applicant No.2 instead of providing her appointment. It is well established principle that procedural laws must be liberally construed to really serve as handmaid, make it workable and advance the ends of justice. Technical objections which tend to be stumbling blocks to defeat and deny substantial and effective

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justice should be strictly viewed for being discouraged and when substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred. In view of the above, I do not see any prejudice would be caused to the Respondents if in place of Applicant No.1, the case of Applicant No.2 is considered by the Respondents for providing employment on compassionate ground in the next CRC, as has been promised by them through the letter under Annexure-3 as also in the counter at an early date and communicate the result to the applicant.

4. In the light of the discussions made above, I find substantial force in the grievance of the applicants and accordingly direct the Respondents to consider the case of the applicant No.2 instead of applicant No.1 in the next CRC meeting scheduled to be held shortly and communicate the result of the meeting to the applicants.

5. This OA is accordingly disposed of. No costs.


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