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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 489 of 2010
Cuttack this the 5th day of October, 2012

CORAM
THE HON'BLE MR, A.K.PATNAIK, MEMBER (JUDL.)

...

1. Ali Dei @ Nayak, aged about 60 years, W/o.Late Bhima Nayak.
2. Bharat Nayak, aged about 35 years, Son of Late Bhima Nayak.
(both are of At-Kuranji Pur, Po-Dalakasoti, PS-Balipatha, Dist. Khurda.

...Applicant
By the Legal Practitioner :M/s.D.P.Dhalsamant, N.M.Rout,
Counsel.

-Versus-

1. Union of India represented through its Secretary, Department of Posts, Ministry of Communication, Government of India, Dak Bhawan, New Delhi-110001.
2. Chief Postmaster General, West Bengal Circle, Kolkata.
3. Senior Postmaster, Alipur Head Post Office, At/Po-Allipur Kolkata.

...Respondents
By the Advocates: Mr.U.B.Mohapatra, SSC.

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O R D E R

A.K.PATNAIK, MEMBER (JUDL.):

Alleging non-consideration of the case of the Applicant No.2 for providing employment assistance on compassionate ground, after the death of his father while working as a Group D staff of Allipur Head Post Office, Kolkata on 29.04.1998 this OA has been filed seeking direction to the Respondents to appoint the applicant No.2 under compassionate ground.

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2. Respondents filed their counter in which it has been stated by the Respondents on receipt of application from Shri Bharat Nayak for appointment on compassionate ground due action has been taken and the matter is under active process.

3. Heard Mr. D.P.Dhalsamanta, Learned Counsel for the Applicant and Mr. U. B. Mohapatra, Learned SSC appearing for the Respondents and perused the material placed on record. I find that the father of the applicant No.2 died on 29.04.1998 whereas the Respondents filed their counter on 5th July, 2011 stating that the case for appointment in favour of Applicant No.2 is under active consideration. The employment to the dependent of a Government servant dying in harness in preference to anybody else is to mitigate hardship caused to the family of the deceased on account of the unexpected death of the bread earner while in service. To alleviate the financial distressed condition of the family such a provision has been introduced by the Government. Therefore, appointment on compassionate ground has a direct nexus with the right to life as enshrined under Article 21 of the Constitution of

India and as such there should not be much delay in giving consideration to such request of a family member of the deceased as it would tantamount to denial of economic and social justice as enshrined in the Constitution of India. As the Respondents have fairly stated in their counter that the case of the applicant No.2 is under active consideration, in my opinion the ends of justice would be met if I direct the Respondents to consider the case of the applicant No.2 on priority basis during the next CRC and communicate the decision thereof to the Applicants soon after the recommendation made by the CRC. Ordered accordingly.

4. With the aforesaid observation and direction this OA stands disposed of. No costs.

A.K. Patnaik
(A.K. Patnaik)
Member (Judl.)