

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

OA No.691 of 2010  
Cuttack, this the 24<sup>th</sup> November, 2010

Dillip Kumar Rayguru .... Applicant  
Versus  
Union of India & Others .... Respondents

CORAM

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

The case of the Applicant in nut shell is that the father of the applicant while working as GDSBPM OF Salajharia Branch Post Office in account with Khandapara Sub Post Office under Nayagarh Head Post Office in Puri Postal Division died prematurely on 17.2.2006. The request of the applicant for appointment on compassionate ground having been rejected earlier he approached this Tribunal in OA No. 497 of 2008. The said OA was disposed of by this Tribunal on 19.8.2009 with direction to the Respondents to consider the case of the applicant on two more occasion in terms of the instruction of the DOP&T dated 5.5.2003 and communicate the result thereof in a well reasoned order to the Applicant. Thereafter the case of the applicant was considered but once again rejected by the Respondents and communicated the reason of rejection in letter under

L

Annexure-12 dated 10-06-2010. This order of rejection is under challenge in the present Original Application filed under section 19 of the A.T. Act, 1985 with prayer to quash the said order and to direct the Respondents to provide him appointment on compassionate ground. Relevant portion of the order under Annexure-12 reads as under:

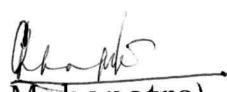
“As per the direction of the Hon’ble Tribunal, the case of the applicant was put up before the Circle Relaxation Committee held on 17-5-2010 for reconsideration. Indigent circumstances of the family and liability of the family in shape of minor children/unmarried daughters were the main criteria for approval by CRC. The CRC observed that the family of the deceased GDS consists of the widow and one married son i.e. the applicant. There are no liabilities like marriage of daughters and education of minor children and the family is not in indigent condition. Hence, the CRC did not approve the case for appointment on compassionate grounds.”

2. Advance copy of this OA has been received by Mr. S.B.Jena, Learned ASC for the Union of India for the Respondents who is present in Court. Heard Learned Counsel for both sides and perused the materials placed on record. Learned Counsel for the Applicant submitted that that there was no proper consideration given by the Respondents while rejecting

the claim of the applicant on the ground that the family is not indigent. In this connection he drew my attention to the materials placed on record in support of the indigent condition of the family i.e. the income certificate etc and accordingly vehemently prayed to quash the impugned order of rejection. Learned ASC appearing of the Respondents has left no stone unturned to sustain the order of rejection. His contention is that it is incorrect to state that there was no proper consideration given to the case of the Applicant. Respondents considered the case of the applicant vis-à-vis others. Appointment on compassionate ground can be extended to the extent earmarked for the said purpose not beyond that. As the applicant's case was found not indigent enough compared to that of others so as to be accommodated within the vacancy earmarked for the purpose, his case was rejected by the Respondents. But on the focused question when this Tribunal earlier directed consideration of the case of the applicant on two occasion more keeping the matter set at rest by one consideration is not justified, there was no satisfactory explanation given by him. In view of the above, instead

of keeping this matter pending I feel it just to dispose of the matter (without expressing any opinion on the merit of the matter) at this admission stage with direction to the Respondents to give consideration to the case of the Applicant on one more occasion in terms of the order dated 19-08-2009 of this Tribunal as also norm of the DoP&T instruction dated 05-05-2003 and communicate the decision in a well reasoned order to the Applicant within a period of 90(ninety) days from the date of receipt of this order.

3. Send copies of this order along with OA to the Respondents at the cost of the Applicant; for which learned Counsel for the Applicant undertakes to deposit the postal requisite by 25<sup>th</sup> November, 2010 after which free copies of this order be given to Learned Counsel for both sides.



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