

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.74 of 2011

Cuttack, this the 11th day of December, 2013

CORAM:

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

.....

Sri Suresh Chandra Patel, aged about 40 years, S/o. Late Jatindra Patel of Vill/Po.Darlipali, PS-Bhasma, Tahasil-Lephripada, Dist. Sundargarh.

.....Applicant

(Legal Practitioner – M/s.Ramakanta Mohanty, S.N.Biswal, S.Mohanty,
S.K.Mohanty, P.Jena)

Versus

Union of India represented through –

1. The Director General of Posts, Government of India, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi-110 001.
2. Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices, Sundargarh Division, Sundargarh.

.....Respondents

(Legal practitioner – Mr.P.R.J.Dash)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The facts which are not in dispute are that the father of the applicant was working as GDSBPM, Darlipali Branch Post Office and died prematurely on 19.03.2008. Thereafter, the case of the applicant for appointment on compassionate ground was considered by the CRC but the CRC did not find the case of the applicant to be an indigent so as to be provided with an appointment on compassionate ground to the Applicant.



This was communicated to the applicant vide letter dated 02.03.2009. Applicant preferred appeal against the order rejecting his case for employment assistance on compassionate ground. The appeal of the applicant having been rejected he approached this Tribunal in OA No. 456 of 2010 which was disposed of by this Tribunal on 25.08.2010 with direction to the Respondents to consider the case of the applicant two more occasions within a period of three months. In compliance of the said order the case of the applicant was again considered by the CRC in the meeting held on 24.11.2010 but the CRC again rejected the case of the applicant. Being aggrieved by such rejection the applicant filed the instant OA praying to quash the order of rejection (Annexure-A/5, A/6, A/8 & A/9) and to direct the Respondents to provide the applicant appointment on compassionate ground.

2. Heard Mr.S.N.Biswal, Learned Counsel for the Applicant and Mr.P.R.J.Dash, Learned Additional CGSC appearing for the Respondents and perused the records.

3. The scheme for providing employment assistance on compassionate ground after the death of an employee while in service is a benevolent legislation framed to overcome the financial crisis/hardship caused to the family members of the deceased employee due to sudden death of the sole breadwinner. Therefore, the main consideration for such appointment is the financial condition of the family. I find that the CRC after



12

giving due consideration to the case of the applicant came to the conclusion that the family is not indigence in comparison to others whose cases were considered along with the applicant. It is not for this Tribunal to access and decides as to whether the family members of a deceased employee are in indigence. When the CRC after taking note of various factors rejected the case of the applicant on the ground that the family is not in indigence there is hardly any scope for this Tribunal to interfere on the same. I find that there is hardly any scope for this Tribunal to interfere in the impugned orders sought to be quashed in this OA. At the same time I find that as per the earlier order of this Tribunal dated 25.08.2010 in OA No. 456 of 2010 the case of the Applicant needs consideration one more occasion but as it appears, same has not been done till date. In view of the above, this OA is disposed of with direction to the Respondents to consider the case of the applicant one more occasion and communicate the result of such consideration in a well reasoned order to the Applicant within a period of ninety days from the date of receipt of copy of this order. In the result, this OA stands allowed to the extent stated above. There shall be no order as to costs.



(A.K.Patnaik)
Member (Judicial)