

* CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No.358 of 2011
Cuttack, this the 23rd day of May, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)

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Abanikanta Behera,
Aged about 20 years,
Son of Late Parikhita Behera,
Residing At/Po.Asurali,
Dist.Bhadrak.Applicant
(Advocate(s):-M/s.A.C.Behera, S.P.Kar,B.K.Barik)

-Versus-

Union of India represented through –

1. Director General,
Department of Posts,
Government of India,
Dak Bhawan,
New Delhi.
2. Chief Postmaster General,
Orissa Circle,
P.M.G. Square,
Bhubaneswar,
Dist. Khurda.
3. Superintendent of Post Offices,
Bhadrak Division,
Bhadrak,
Dist. Bhadrak.

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4. Post Master,
Asurali Post Office,
At/Po. Asurali,
Dist. Bhadrak.Respondents
(Advocate(s)-Mr.S.B.Jena).

ORDER

(oral)

A.K. PATNAIK, MEMBER (J):

Applicant's grievance is that consequent upon the premature death of his father on 6.9.2002 while working as GDS MD II at Asurali Sub Post Office in the District of Bhadrak, he has applied for appointment on compassionate ground. But the said prayer has been rejected by the Respondents without any valid reason/ground as communicated in letter dated 22.12.2010. Hence by filing the instant OA the applicant has sought direction to the Respondents to provide him appointment on compassionate ground.

2. Respondents have filed their counter contesting the case of the applicant on the ground that the ex GDSMD II expired on 06.09.2002 leaving behind his wife, one son and one unmarried daughter. The applicant applied for appointment on compassionate ground. The family living in their own house and the annual income of the family is Rs.25, 000/- as per the income certificate submitted by the applicant. The matter was put up before the CRC on 24.11.2010. The CRC considered the case of the applicant but

Ans
Re:

not approved for appointment due to the reason that the family was found 'not to be in indigent circumstances'. The said decision was communicated to the applicant by the Supdt. Of Post Offices, Bhadrak Division vide letter dated 22.12.2010. Accordingly, Respondents have prayed for dismissal of this OA.

3. We have heard Mr.A.C.Behera, Learned Counsel appearing of the Applicant and Mr.S.B.Jena, Learned Additional CGSC appearing for the Respondents and perused the records.

4. Since the case of the applicant was duly considered by the CRC but rejected on the ground that the family was not indigent in comparison to others who were considered along with him we find no flaw on the same to interfere.

5. But we find that the case of the applicant has not been considered as per the DOP&T instruction dated 5.5.2003. The DOP&T instruction dated 05.05.2003 provides for three times consideration for appointment on compassionate ground whereas the case of the applicant has been considered and rejected once. Hence, we are of the considered opinion that the case of the applicant needs consideration twice more. Hence this OA is disposed of with direction to the Respondents to consider the case of the applicant twice more on availability of vacancy under compassionate appointment quota, if not already done meantime and communicate the



result thereof in a reasoned order to the Applicant within a reasonable period. There shall be no order as to costs.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judl.)