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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION 385/2011
Cuttack, this the 4th day of Sept., 2015

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

.....

Gopal Mohan Tripathy aged about 41 years S/o late Shyamsundar Tripathy, At/PO Maghala, Via Binka, District Subarnapur.

.....Applicant
(Advocate: Mr. S. C. Puspalak)

VERSUS

1. Union of India represented through the Chief Post Master General, Bhubaneswar, District Khurda.
2. Superintendent of Post Office, Bolangir, At/PO/District Bolangir.
3. Inspector of Post Office, Sourpur Sub Division, At/PO Dist. Sonpur.
4. Smt. Padmini Tripathy aged about 62 years, W/o Late Shri Shyamsundar Tripathy,
5. Shri Radhamahon Tripathy aged about 34 years.
6. Shri Manmohan Tripathy, aged about 32 years.

Sl. Nos. 5, 6 and 7 are the son of Late Shri Shyamsundar Tripathy and Sl. No. 4, 5, 6 and 7 are of At/PO Maghala, Via Binka, District Subarnapur.

.....Respondents
(Advocate : Mr. S. K. Patra)

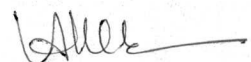
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O R D E R

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

Heard Mr. S. C. Puspalak, Learned Counsel for the Applicant and Mr. S. K. Patra, Learned Additional C.G.S.C. appearing for the Respondents and perused the records.

2. The Respondents have filed their counter supporting the order of rejection and praying that this O.A. being devoid of any merit, is liable to be dismissed. The Applicant has also filed rejoinder.



3. This O.A. has been filed seeking the following reliefs:

- “(i) The Original Application may kindly be allowed;
(ii) The order dated 4.4.2011 passed by the Respondents may kindly be quashed.
(iii) The respondents may kindly be directed to consider the case of the applicant for Compassionate appointment within a stipulated time.”*

4. The Learned Counsel for the applicant would echo the heart burns of the applicant to the effect that his father was the sole earning member of his family. He while working as EDBPM of Meghla Branch Post Office in account with Binka Sub Post Office died in harness on 21.09.2009 leaving behind his widow, four sons and two daughters. The applicant is the elder son of the deceased. The mother of applicant sought compassionate appointment in favour of the applicant. The Respondent authority considered her request, but rejected the same in the year 2010 as against which the mother of the applicant preferred an appeal but the same was also rejected and communicated in letter dated 04.04.2011. The said communicated is extracted hereunder for ready reference:

**“Department of Posts:India
O/o the Chief Postmaster General,
Orissa Circle, Bhubaneswar-751001.**

To,

**Sri Gopal Mohan Tripathy
S/o Late Shyam Sundar Tripathy,
Ex.GDSBPM
At/Po – Meghala
Via-Binka,
Dist.-Subarnapur
PIN-767019.**

“No.RE/RO/4-7/201 Dated at Bhubaneswar 04.04.2011.

**Sub : Regarding compassionate appointment.
Ref.: Your Representation dated 23.03.2011.**

Sir,

I am directed to inform you that your compassionate appointment case was put up before the Circle Relaxation Committee held on 24.11.2011. After due consideration the CRC did not approve the case with the observation that the family was found not to be in indigent circumstances.

[Signature]



This is for favour of kind information please.

***Yours Faithfully,
Sd/-
(B.N.Mishra)
Asst. Director (CRC)
O/o the CPMG (O)
Bhubaneswar-1."***

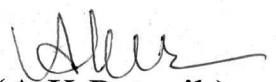
5. Placing reliance on the pleadings, it was further highlighted by the learned counsel for the applicant that the case of the applicant was rejected without considering his case in its proper perspective inasmuch as, the annual income of the family is Rs. 27,000/- and with this meager amount it is difficult to manage such a large family. Had the Respondents awarded the marks based on the Directorate Letter No. 37-36 / 2004 – SPB – I/C dated 20.1.2010, certainly they could not have come to the conclusion that there is no indigence in the family. It was further argued that the details of the marks allocated under which head and, the material based on which such a conclusion was rejected by the authority, has neither been specified in the letter of rejection nor was it communicated to him. Hence, he would sincerely pray for allowing this OA.
6. On the other hand, Mr.Patra, Learned Additional CGSC appearing for the Respondents vehemently opposed the stand of the applicant by stating that one cannot claim appointment on compassionate ground as a matter of right. Such appointment is subject to scrutiny of various aspects of the matter. Since on consideration of the case of the applicant, the competent authority found that the condition of the family is not such so as to be provided with an appointment on compassionate ground, there is hardly any scope for this Tribunal to interfere in the matter. Hence, he would pray for the dismissal of this OA.



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7. The factual aspects are not in dispute. According to the applicant the Respondents came to the conclusion that there is no indigence, is without assessing his case in its true perspective inasmuch as without giving details in the order of rejection or even counter, about the marks awarded in different headings as per the Directorate Letter No. 37-36/2004-SPB-I/C dated 20.1.2010. I also find that the same is only silent in the order of rejection but also in the counter, the Respondents did not specify as to on what basis they have come to the conclusion that the financial condition of the applicant is as such, which warrants no appointment on compassionate ground.

8. In view of the discussions made above, this O.A. is disposed of with a direction to the official respondent to communicate the details based on which they have come to the conclusion that the family was not in indigent circumstances, within a period of fifteen days from the date of receipt and on receipt of which, the applicant is free to make an appeal/representation giving supporting material as to how such findings are contrary to rule or law in any manner within another period of fifteen days and upon receipt of such appeal/representation, the authority concerned, is directed to consider the same and pass a speaking order within a period of sixty days from the date of receipt of such appeal/representation. If the applicant is still aggrieved by the said communication, he is free to approach the appropriate court for redressal of his grievance. No costs.


(A.K. Patnaik)
Judicial Member