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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.465 OF 2011

Cuttack this the 4th day of October, 2012

CORAM:

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

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Sri Subhendu Kumar Bhole, aged about 27 years, S/o. late Kailash Ch.Bhole, At-Saripur, PO-Balipatna, Dist-Khurda

...Applicant

By the Advocates:M/s.P.K.Padhi & J.Mishra

-VERSUS-

1. Union of India represented through it's Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda-751 001
3. Sr.Superintendednet of Post Offices, Bhubaneswar Division, At/PO-Bhubaneswar, Dist-Khurda, Orissa, PIN-751 009

...Respondents

By the Advocates:Mr.D.K.Behera, ASC

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ORDER

A.K.PATNAIK, MEMBER(J): Brief facts of the matter are that applicant's father, while working as Gramin Dak Sevak Mail Deliverer (in short GDSMD), Balipatna SO passed away on 28.8.2008 leaving behind his widow, son, the applicant, three married daughters and two unemployed sons. In the above background, appointment on compassionate ground having been considered, the Circle Relaxation Committee did not recommend the name of the applicant by the reason that the family of the

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applicant is not indigent. In the above background, applicant has moved this Tribunal in this O.A. seeking direction to the Respondents to reconsider his case for providing compassionate appointment in any GDS post.

2. Respondent-Department have filed their counter opposing the prayer of the applicant. They have stated that the C.R.C. did not recommend the name of the applicant after due consideration of his case vis-à-vis the others and hence, hardly there is any merit in this O.A. Accordingly, the Respondents have prayed that the O.A. being devoid of merit is liable to be dismissed.

3. Heard Shri P.K.Padhi, learned counsel for the applicant and Shri D.K.Behera, learned Addl. Central Govt. Standing Counsel appearing on behalf of the Respondents and perused the materials on record.

4. It reveals from the record that although the Respondents have rejected the case of the applicant for compassionate appointment vide Annexure-A/4 dated 4.4.2011 on the ground that the case of the applicant was not found to be indigent, but to substantiate their contention in this respect that there were candidates with more indigent conditions than the applicant before the CRC for being recommended, they have not produced any comparative statement justifying their stand in this regard. In this view of the matter, the

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stand taken by the Respondents that the applicant's family is not indigent has no legs to stand.

Having regard to the above and in view of consistent stand taken by this Tribunal, Respondents are directed to consider the case of the applicant for compassionate appointment for another two times and accordingly, communicate the decision thereon in a reasoned and speaking order to the applicant.

With the above observation and direction, this O.A. is disposed of. No costs.


(A.K.PATNAIK)
JUDICIAL MEMBER

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