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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00876 OF 2015

Cuttack, this the 18th day of January, 2016

CORAM

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

HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

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1. Puspanjali Behera,
aged about 41 years,
W/o Late Rajkishore Behera,
Ex-EDBPM, Gangdapaju.

2. Bapuji Behera,
aged about 17 years 5 month,
S/o Late Rajkishore Behera,
Represented through his mother guardian,

Both are permanent resident of At/PO: Gandapaju,
Via- Khajuripada, Dist. Boudh.

...Applicants

By the Advocate-M/s. P.R.J.Dash, A.Sahu, B. Rout

-VERSUS-

Union of India Represented through

1. Director General of Posts,
New Delhi.
2. Chief Postmaster General,
Odisha Circle, Bhubaneswar,
At/PO. Bhubaneswar, Dist- Khurda.
3. Post Master General,
Berhampur G.M. Region, Berhampur,
At/PO- Berhampur, Dist. Ganjam.
4. The Superintendent of Post Offices,
Phulbani Division, Phulbani,
At/PO- Phulbani, Dist- Kandhamal.

...Respondents

By the Advocate-Mr. P.K. Mohanty

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ORDER (ORAL)

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

Mr.Dash, placing reliance on the averments in the OA and the documents appended thereto submitted that the father of the applicant was the sole bread earner in the family and after his death the family members are continuing in a penurious conditions. However, after attaining the majority, application for compassionate appointment in favour of the applicant was sought but the respondents became callous to provide appointment to the applicant on compassionate ground and on the other hand steps were taken to fill up the post in which his father was working. Accordingly, he has prayed for the allowing this OA.

2. In a bid to torpedo and pulverize the averments made by the learned counsel for the applicant, placing reliance on the instructions obtained and filed by the learned counsel for the Respondents submitted that the date of birth of the applicant being "23.06.1998" he is yet to attained the majority and, thus, question of considering his case for appointment on compassionate ground does not arise. However, based on the instruction he has reiterated that the widow had earlier filed an application dated 03.12.12 stating that she is not mentally prepared to take up the employment and the engagement of her son after attaining 18 years of age will be applied by her. Subsequently, vide another application dt. 04.11.2015 she has intimated that her son has attained 18 years of age and thus is eligible for employment as GDSBPM Gandapaju BO. It has been stated in the instruction that the ASPOs I/C Phulbani though contacted the widow to fill up the forms with supporting documents but that has not yet been complied with. In the



meantime, the selection process to fill up the GDSBPM has been finalized. Sri Bapuji Behera son of late Raj Kishore Behera Ex GDSBPM Gandapaju BO is still minor and his complete documents as well as synopsis papers have not yet been received at the office of the SPO, Phulbani Division. Accordingly, he would pray that this OA being premature one is liable to be dismissed.

3. Having heard Mr. P.R.J.Dash, learned counsel for the applicant, and Mr. P.K.Mohanty, learned counsel for the respondents, perused the records.

4. The last representation of the widow is dated 09.11.2015 in which her entire endeavour to stall the recruitment to the post in which her husband was working and has prayed for appointment of her son and, hardly after eleven days of submission of such representation this OA was filed on 20.11.2015 seeking the following reliefs:

“..... direction may be issued to the respondents to consider the case of the applicants as anticipated claim for compassionate appointment and necessary step may be taken for appointment of the applicant no.2 under compassionate ground after attaining his age 18 years for the Gramin Dak Sevak Branch Post Master Gandapaju, Gramin Dak Sevak B.O. in account with Khajuriapada under the Superintendent of Post Offices, Phulbani Division, Phulbani in the ends of justice.”

5. No rule or instruction or any authority has been brought to our notice by the learned counsel for the applicant that one has a right to be appointed on compassionate ground in the post in which his/her father was working. No rule or instruction has also brought to our notice that son of a deceased can be appointed on compassionate ground even he does not attain




the majority. If really the family is ⁱⁿ need of immediate assistance the widow can seek appointment on compassionate ground after the death of her husband on 17/10/2009 which she did not do and on the other hand has unnecessary^{ly} made certain aspersion on the department about non furnishing of forms etc.

6. Be that as it may, as the son of the deceased did not attain the majority till date and in view of the specific stand of the respondents' department, cited supra, without going to the merit of this matter at this stage, we hold this OA to be a premature OA ^{which} and is accordingly dismissed.

No costs.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

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