

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 25 of 2012

Cuttack, this the 7th day of February, 2012


Trilochan Swain Applicant


-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(A.K.PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.25 of 2012

Cuttack, this the 7th day of February, 2012

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)

And

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

.....

Trilochan Swain, aged about 42 years, Son of Late Narendranath Swain of Village/Po-Betarasingi, PS-Beguda, Dist. Ganjam.

....Applicant

By legal Practitioner -M/s.Janmejaya Dash,G.K.Nayak,S.Patro, Counsel

-Versus-

1. Union of India represented through Chief Postmaster General, Odisha Circle, PMG Square, Bhubaneswar, Dist.Khurda.
2. Postmaster General, Brahmapur Circle, At/Po. Brahmapur, Dist. Ganjam.
3. Superintendent of Post Offices, Aska Division, At/Po. Aska, Dist. Ganjam.

....Respondents

By Legal Practitioner - Mr.S.B.Jena, ASC

O R D E R

Per- C.R.MOHAPATRA, MEMBMER (ADMN.):

The father of the Applicant, while working as Branch Post Master in Betarasinigi Branch Post Office died on 29-05-2008 leaving behind his widow, three sons and two married daughters. The Applicant being the elder son, having read upto class IX has applied for appointment on compassionate ground. His application was considered and rejected by the CRC and the reason of rejection was communicated to the Applicant in letter

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under Annexure-A/6 dated 25.06.2010. Being aggrieved by the said order of rejection, the applicant has approached this Tribunal in the present OA filed on 19th December, 2011 with prayer to quash the impugned order under Annexure-6 dated 25.6.2010 and direct the Respondents to give him appointment in any post under Rehabilitation Assistance Scheme in order to save the family from financial distress.

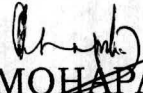
2. Heard Learned Counsel for the Applicant and Mr. S.B.Jena, Learned ASC who has received copy of the OA in advance appearing for the Respondents and perused the materials placed on record. It was contended by Learned Counsel appearing for the Applicant that the father of the applicant was the only earning member in the family and after his untimely death, the family having no source of substantial income are continuing in penury. Taking us through the income certificate filed to this OA as Annexure-A/5 series it was contended that unless appointment is provided to the applicant on compassionate ground the family will be ruined. Further contention of the applicant's counsel was that the CRC rejected the claim of the applicant without considering the true merit of the matter especially the fact^{that} there is no

substantial income of the family and as such, according to him the order of rejection needs to be quashed with direction to the Respondents to reconsider the case of the Applicant. This was strongly opposed by Learned ASC appearing for the Respondents mainly on the ground that all the sons and daughters are married and are capable of earning their livelihood. According to him though the death of the father was dated 29.5.2008 the family was able to survive without any appointment till date and that the applicant is aged about 42 years and should have gone for some engagement to maintain his family instead of waiting for compassionate appointment.

3. We find that all the sons and daughters are married and that the applicant is aged about 42 years. The CRC rejected the claim of the applicant on the ground that the family consists of widow 59 years and three sons aged about 41, 38 and 31 years. All the sons are not dependent. There are no liabilities like marriage of daughters and education of minor children. The family is not in indigent condition. Having considered the rival submissions of the parties we have perused the scheme for providing appointment on compassionate ground vis-à-vis the reasons given by the CRC in the order of

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rejection under Annexure-6 and we find no infirmity warranting judicial intervention in the matter. Hence this OA stands dismissed by leaving the parties to bear their own costs.


(A.K. PATNAIK)
Member (Judicial)


(C.R. MOHAPATRA)
Member (Admn.)

