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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO.686 OF 2013
Cuttack this the 20th day of March, 2015

B. Routray & Another Applicants

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(A.K. PATNAIK)
MEMBER(J)

gj
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.686 OF 2013
Cuttack this the 20th day of March, 2015

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

1. Smt. Binapani Routray,
aged about 49 years,
W/o. Late Bikram Kumar Routray,
Of Vill. Panchapalli,
P.O. Retanga, P.S. Jatani, Dist. Khurda.
2. Miss Gayatri Routray,
aged about 27 years,
D/o. Late Bikram Kumar Routray,
Of Vill. Panchapalli,
P.O. Retanga, P.S. Jatani, Dist. Khurda.

...Applicants

(Advocates: M/s. S.K. Ojha, S.K. Nayak)

VERSUS

Union of India Represented through

1. Secretary to Govt. of India,
Ministry of Communications & IT, Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi-110001.
3. Chief Post Master General,
Andhra Pradesh Circle,
Hyderabad, Andhra Pradesh-500001.
4. Superintendent of Post Offices,
Srikakullam Division,
At/P.O./Dist. Srikakullam,
Andhra Pradesh-532001.

... Respondents

(Advocate: Mr. D.K. Behera)

ORDER

A.K.PATNAIK, MEMBER (J):

The prayer of the applicants in this OA is for a direction to the Respondents to consider and extend the benefit of employment assistance under the compassionate appointment scheme to Applicant No.2 'or' to direct the Respondent No.2 to refer the matter to the postal authorities in

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Odisha Region for consideration of the claim of Applicants within a stipulated period as the husband of applicant No.1 and father of the applicant No.2 namely Late Bikram Kumar Routray died on 04.08.2005 in harness while working as Sub Postmaster, Mattam Sariapalli Sub Post Office in Srikakulam Postal Division and it has been alleged that despite repeated representation the Respondents have neither taken any decision on their prayer nor provided appointment on compassionate ground till date.

2. Apart from the factual matrix of the matter, the Respondents in their counter have candidly stated that after the death of the government employee applicant No.1 who is the first wife of the deceased and his second wife made representations to Respondent No.4 on 06.08.2013 seeking employment assistance on compassionate ground to their wards. The said representations were sent to the Senior Superintendent of Post Offices, Puri Division vide letter dated 15.10.2013 with a request to obtain and send the claim papers since none of the applicants are residing in Andhra Pradesh. As no reply has been received from the said SSPO, Puri no action has been taken and in the meantime the present applicants (including the first wife of the deceased) have filed the instant OA with the aforesaid prayer which is not maintainable being premature. Hence they have prayed for dismissal of this OA.

3. In the rejoinder the applicants have not disputed the aforesaid facts and have only reiterated the stand taken in the OA for providing appointment on compassionate ground to Applicant No.2.

4. Mr.S.K.Ojha, Learned Counsel appearing for the Applicants and Mr. D. K. Behera, Learned Additional CGSC appearing for the



Respondents have led emphasis on the stand taken in their respective pleadings and having heard them at length perused the materials placed on record.

5. I find that copy of the representation has been sent to the SSPO, Puri Division by the Applicants but the applicants for the reasons best known did not make the SSPO, Puri Division as party respondent in this OA even after coming to know through the counter that no finality has been given to their request as no reply has been received from the SSPO, Puri Division on their request for providing employment assistance on compassionate ground. In the counter the Respondents have also stated that they have received the representation only on 06.08.2013 seeking employment assistance on compassionate ground which was sent to the Senior Superintendent of Post Offices, Puri Division vide letter dated 15.10.2013, as the applicants are/were not residing within Andhra Pradesh. This stand has not been disputed by the applicants in their rejoinder nor even in course of hearing. Hence I do not find any fault with the Respondents in not taking action on the said prayer of the applicant pending receipt of the information/reply/synopsis from the Office of the SSPO, Puri Division.

6. Since the grievance of the applicants is under consideration and not yet rejected in my considered view the role of the Tribunal at this stage to direct/redirect to consider the case of the applicants is unwarranted. Similarly, when the deceased was working in Andhra Pradesh the second prayer i.e. to direct the Respondent No.2 to refer the matter to the postal authorities in Odisha Region for consideration of the claim of Applicants within a stipulated period in my considered opinion de hors the



Rules/Scheme more so when the postal authorities of Odisha are not made parties.

7. However, considering all aspects of the matter, liberty is granted to the applicants, if so advised, to represent to the SSPO, Puri Division within a period of two weeks from today, praying for taking necessary action on the letter dated 15.10.2013 enclosing a copy of this order. In-case any such representation is preferred within two weeks from today, then the same may be considered by the SSPO, Puri and necessary action be taken within a further period of 30 days from the date of receipt of the representation.

In the result this OA stands disposed of. There shall be no order as to costs.


(A.K. Patnaik)
Member (Judicial)