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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00337 OF 2014
Cuttack, this the 9th day of May, 2014

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

.....
Suresh Chandra Patel, aged about 46 years,
S/o. Late Jatindra Patel,
Vill/PO- Darlipali, P.S- Bhasma,
Tahasil-Lephripada, Dist- Sundargarh.

.....Applicant

Advocate(s)..... M/s. A. Mishra, M.S. Swarup

VERSUS

Union of India represented through

1. Director General of Posts,
Govt. of India, Ministry of Communications,
Department of Posts, Dak Bhawan,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist- Khurda.
3. Senior Superintendent of Post Offices,
Sundargarh Division,
At/PO/Dist- Sundargarh.

..... Respondents

Advocate(s)..... S.B. Jena

ORDER (ORAL)

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

Heard Mr. A. Mishra, Ld. Counsel for the applicant, and Mr. S.B.Jena, Ld. Counsel appearing for the Respondents, who accepts notice on behalf of all the Respondents. Registry is directed to serve notice, in terms of Sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. Admittedly, the father of the applicant while working as GDS BPM, Darlipali, B.P.O. died prematurely on 19.03.2008.

[Signature]

Thereafter, the case of the applicant for appointment on compassionate ground was considered by the CRC which did not find the case of the applicant to be indigent so as to provide him with an appointment on compassionate ground, which was communicated to the applicant vide letter dated 26.03.2009. The applicant preferred an appeal against the said order of rejection. The applicant's appeal having also been rejected, he approached this Tribunal in O.A.No. 456/10, which was disposed of on 25.08.2010 with direction to Respondent No.1 to consider his case for two more occasions within a period of three months. In compliance of the said order, the case of the applicant was again considered by the CRC in the meeting held on 24.11.2010 but was rejected. Being aggrieved by the said order of rejection, the applicant again approached this Tribunal in O.A. No. 74/11, which was disposed of on 11.12.2013 by directing the Respondents to consider the case of the applicant for one more occasion and communicate the result thereof to the applicant in a well reasoned order. In compliance of the said order, the case of the applicant was again considered and the same was rejected and communicated to the applicant in letter dated 10.02.2014.

3. Mr. Mishra, Ld. Counsel for the applicant, by drawing our attention to the order of rejection has submitted that the consideration given to the case of the applicant is no consideration as the CRC rejected the case of the applicant without assessing the liabilities of the applicant in proper perspective. Therefore, the order of the rejection is not sustainable in the eyes of law.

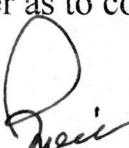
4. On the other hand, Mr. Jena, Ld. ACGSC, opposed the case of the applicant on the ground that compassionate appointment cannot be claimed as a matter of right nor it is an alternative mode of appointment.

[Signature]

Compassionate appointment is provided to a dependent member of the family of deceased employee to redeem from the immediate financial distress caused to the family members after the sudden jerk after the death of the employee concerned. In the instant case, the applicant is aged about 46 years and the death of the father of the applicant occurred on 19.03.2008 and in the meanwhile about six years have elapsed. Therefore, this O.A. is liable to be dismissed.

5. Having given our thoughtful consideration to the arguments advanced by the respective parties, we have gone through the letter of rejection dated 10.02.2014. From the letter, we find *prima facie* that the case of the applicant has received consideration on several occasions and having not found to be indigent the same was rejected. Departmental authorities are the best judge to decide whether the case of an individual deserves consideration for appointment on compassionate ground. Taking into consideration the financial condition of the family when the authorities did not ~~found~~ *find* his case to be a deserving one for providing employment on compassionate ground, we see no justification to interfere in this matter, especially after expiry of six years from the death of the employee concerned, and that too, when the applicant is aged about 46 years.

6. In the circumstances, this O.A. stands dismissed. There shall be no order as to costs.


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


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