

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 5.4.1990

PRES E NT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 218/90

M. Sarada

Applicant

Vs.

1. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi

2. The Supdt. of Post Offices
Alleppey and

3. The Post Master, Head Post Office
Shertallai

Respondents

M/s. M. R. Rajendran Nair &
Rajeswari A

Counsel for the
applicant

Mr. T. P. M. Ibrahim Khan

Counsel for the
respondents

O R D E R

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

This is a simple and straight forward case of delayed
appointment on compassionate ground of the applicant
who is the widow of a deceased Postal employee. The
husband of the applicant expired on 19.9.1987 and the
Government in accordance with the Post Master General,
Kerala Circle letter dated 17.4.1989 at Annexure-I
sanctioned as a special case the appointment of the
applicant in the cadre of Group D in Alleppey Division.

Unfortunately for the applicant the direction of the Government could not be complied with in letter and spirit on the plea that there was no regular vacancy in which the widow could be accommodated. Nontheless, the applicant was given intermittent appointments between 16.5.1989 and 21.11.1989 after which she is deprived of the means of livelihood purported to have ^{restored} been ~~restored~~ on her by the P.M.G.'s letter at

Annexure-I.

2. After this application was admitted, the learned counsel for the respondent took some time to give immediate succour to the applicant and we are glad to note from the statement of the learned counsel for the respondents that the applicant has been given a temporary appointment in the Divisional Office, Alleppey ^{however} w.e.f. 2.4.1990. The sword of Democles is still hanging over the head of the applicant as there is no certainty when this temporary appointment will come to an end. There are rulings of the Supreme Court in accordance with which a compassionate appointment has to be given immediately when the need arises and the plea of absence of any clear vacancy is not acceptable. In certain cases, the Supreme Court directed the employer to create supernumerary posts in order to accommodate the applicant therein (AIR 1989 ^{Smt. Goswami vs. Union of India} SC 1976, ^{and others} Sushama vs. Union of India).

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3. In the above circumstances, we do not want to prolong the finalisation of this case through the formalities of pleadings and directions but ^{henceby h} _{close} this application with the clear direction to the respondents to continue the applicant in the present appointment in accordance with the directions of the Government as referred to in Annexure-I. We also direct that the benefit of one increment should also in fairness be given to the applicant on the presumption of notional appointment w.e.f. 16.5.1989 when the applicant was given an appointment for the first time.

4. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

5.4.90.


(S. P. Mukerji)
Vice Chairman

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