

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 5131 OF 2005

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

DEBI PRASAD MOHANTY

Respondent(s)

Date: 07/12/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s) Mr. Ashok Bhan, Adv.  
Mr. Shalender Saini, Adv.  
Mr. A.K. Sharma, Adv.  
Mr. Shreekant N. Terdal, Adv.

For Respondent(s) Mr. Ratnakar Das, Sr. Adv.  
Mr. B. Rangunath, Adv.  
Mr. Vijay Kumar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed  
order.

(DEEPAK MANSUKHANI) (RENUKA SADANA)  
Court Master Court Master  
(The signed order is placed on tbe file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5131 OF 2005

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

DEBI PRASAD MOHANTY

Respondent(s)

O R D E R

We have heard learned Counsel for the parties. The

respondent's father while serving under the postal department died on 19th March, 1997. The respondent sought for appointment under the Rehabilitation Scheme on the ground of indigent condition. The Circle Relaxation Committee of the Department approved the proposal on 21st May, 1997 and accordingly directed the respondent to file relevant certificates. According to the appellants, there was no vacancy whatsoever at that time under the quota meant for the persons seeking appointment on compassionate grounds. However, the appellants informed the respondent that his case would be considered for being appointed on compassionate grounds as and when vacancy arises under the particular quota meant for appointment on compassionate grounds.

The respondent thereafter moved the Central Administrative Tribunal seeking appropriate directions for his appointment as a Postal Assistant against the existing vacancy. The Central Administrative Tribunal after hearing the parties and upon consideration of the materials available on record directed the appellants herein to appoint the respondent on

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compassionate grounds as a Postal Assistant against the existing vacancy, if not, against the next available vacancy. The appellants challenged the order of the Administrative Tribunal in the High Court. The High Court confirmed the view taken by the Central Administrative Tribunal.

In this appeal, the learned Standing Counsel for the Union of India strenuously contends that the directions issued by the Administrative Tribunal, and confirmed by the High Court suffer from infirmities requiring interference of this Court. The submission is that the Courts' below ought not to have directed the appellants herein to appoint the respondent as a Postal Assistant against the existing vacancy which is not meant for the appointments on compassionate grounds. Learned Standing Counsel submitted that the respondent at the most may be

entitled for consideration of his case in a vacancy under the quota meant for the compassionate appointments. merit in the submissions made by the learned Standing Counsel for the appellant.

We find some

However, having regard to peculiar facts and circumstances of the case and particularly, the fact that the respondent's father died in harness in the year 1997 and the Tribunal issued the directions as early as in the year 2001, directing the appellants herein to appoint the respondent as Postal Assistant, against the existing vacancy, we are not inclined to interfere with the orders passed by the Courts below in exercise of our jurisdiction under Article 136 of the Constitution of India in

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the present case. However, we make it clear that this order shall not be treated as a precedent.

The appeal is accordingly dismissed.

.....J.  
(B. Sudershan Reddy)

.....J.  
(Surinder Singh Nijjar)

New Delhi  
December 07, 2010.