

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

No. Of Adjournment : 8

COURT NO. : 1  
28.02.2020  
O.A./260/638/2017

B C MAHANTA  
-V/S-  
D/O POST

ITEM NO:26

FOR APPLICANTS(S) Adv. : Mr. T. K. Mishra

FOR RESPONDENTS(S) Adv.: Mr. M. R. Mohanty

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>It is submitted by Ld. Counsel for the applicant that the case of the applicant for compassionate appointment has been rejected by the respondents vide order dated 06.06.2017(Annexure-A/4) on the ground that he has scored less merit point against the score of minimum 36 point. The applicant's father was working as GDS-BPM who expired on 23.11.2015 and applicant had submitted an application for compassionate appointment soon thereafter. Learned counsel for the applicant submitted that vide circular dated 30.05.2017(Annexure-A/8), the merit point system has been dispensed with and that this system of merit point has been wrongly applied to the applicant's case.</p> <p>Ld. Counsel for the respondents submitted that the circular at Annexure-A/8 is not applicable since the applicant's case was considered by the CRC on 29.05.2017 and the circular dated 30.05.2017 is not applicable to decided cases, which will not be re-opened and submitted that the circular at Annexure-A/8 will not be applicable to the applicant.</p> <p>It is clear that although the case of the applicant was considered by the CRC on 29.05.2017 as stated in the impugned order at Annexure-A/4, but the decision was communicated to the applicant vide letter dated 06.06.2017. Hence, the case of the applicant cannot be considered to be a settled or decided case in terms of the circular dated 30.05.2017(Annexure-A/8) since the decision was communicated to the applicant after 30.05.2017 vide order at Annexure-A/4.</p> <p>In view of the above circumstances, the case of the applicant deserves to be reconsidered as per Annexure-A/8. Hence,</p>

the order dated 06.06.2017(Annexure-A/4) is set aside and the matter is remanded back to the Respondent No. 3 to reconsider the case of the applicant for compassionate appointment in the light of the circular dated 30.05.2017(Annexure-A/8) and communicate the decision to the applicant by a speaking order within three months from the date of receipt of a copy of this order.

The OA is allowed as above with no order as to costs. Copy of this order be given to Ld. Counsels for both the sides.

( GOKUL CHANDRA PATI)  
MEMBER (A)

pms