

**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 reopened and submitted that the circular at Annexure-A/8 will not 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