

**CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK,
ORDER SHEET**

COURT NO. : 110/01/2020 O.A./260/474/2014 ABANIKANTA BEHERA

-V/S-

D/O POST ITEM NO:3 FOR APPLICANTS(S) Adv. :Mr. P. K Dhal

FOR RESPONDENTS(S) Adv.:Mr. L. Jena

Notes of The Registry	Order of The Tribunal
	<p>Heard Learned Counsel for the applicant. It is submitted by the Learned Counsel for the applicant that, the father of the applicant was working as GDS(MD) in Asurali Sub Post office and while working as such, he died on 06.09.2002. The applicant after attaining the age of 18 years applied on 24.09.2009 for compassionate engagement as GDS. That application was rejected by the respondent vide order dt. 22.12.2010 on the ground that the case was not found to be indigent. This was challenged by the applicant filing OA No. 358/2011 which was disposed vide order dt. 23.05.2013 (Annexure A/4) directing the respondent to consider the case of the applicant twice more against the available vacancy. Accordingly the case of the applicant was considered and, vide order dated 26.12.2013, the case has been rejected again on the ground that the applicant scored 46 merit points which is lower than 51 merit points required by the department for approval. It is further submitted by the learned counsel, that in the meantime the department has abolished the merit point systems vide circular dated 30.05.2017 copy of which has been filed by him in memo which is taken on record. It is further submitted by the learned counsel for applicant that, as submitted by him in his rejoinder, the applicant is entitled for a score of 59 points as</p>

per the letter under Annexure R/2 and 69 points as per letter under Annexure R/3 of the counter. Vide order dated 24.06.2015 of the Tribunal on the OA, the respondents were directed to furnish the details of the merit points awarded to the applicant.

Heard learned counsel for the respondent. He submitted that after expiry of the applicant's father, the application for compassionate appointment was made on 24.04.2009. As can be seen from the High School leaving certificate, (copy at 17 of OA) the date of birth of applicant is 14.03.1989 and he passed HSC in 2006, the applicant did not make application after attaining age of 18. He further submits that the modified scheme as per circular dated 30.05.2017 is applicable to the pending cases and the applicant's case cannot be considered as pending. Learned counsel further submits that as stated in the counter, hard and deserving cases with merit points of over and above 50 is considered and the applicant failed to secure the score.

I have considered the pleadings as well as submissions of the parties in the case. It is seen that applicant has averred in Rejoinder that he was entitled for a score of more than 50. Further, it is submitted by the Learned Counsel for the Applicant that applicant case deserves consideration as per the revised scheme vide circular dated 30.05.2017, copy of which is filed by him at the time of hearing.

Since the applicant has challenged the rejection of his case as per the order dt. 26.12.2013 (A/5) in this OA, it cannot be said that the case of the applicant has been finally settled under the terms of the circular dated 30.05.2017 by which merit point system has been dispensed with. It is further seen that basis of points on which merit score of less than 50 was given to applicant has not been explained by the respondents in the impugned order dated A/5 or in the counter.

In view of the above, the respondent no. 2 is directed to reconsider the case of the applicant one more time in the light of the circular dated 30.05.2017, by which the point system for examining the case of compassionate appointment for GDS has been dispensed with, treating the applicant's case to be not finalised & settled, and take a decision in the matter by communicating a speaking order to the applicant within four months from the date of receipt of a copy of this order.

The OA stands disposed off as above with no order as to cost.

(GOKUL CHANDRA PATI)
MEMBER (A)

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