

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01481/2019

Date of order: 28.1.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Rudra Charan Birua,
Son of Late Sanjay Birua,
Unemployed youth,
Re-siding at Vill. : Jalahari (Near Colony),
P.O. : Gogang,
P.S. : Goda,
District : Keonjhar,
State - Orissa, Pin Code No. : 758 034.

..... Applicant.

Versus

1. Union of India,
through the Secretary,
Ministry of Mines,
Geological Survey of India,
New Delhi - 110 001.
2. The Director General,
Geological Survey of India (E.R.),
J.L. Nehru Road,
Kolkata - 700 0
3. The Deputy Director General,
Geological Survey of India (E.R.),
Bhu-Bignon Bhavan,
Block - DK-6,
Sector-II, Salt Lake City,
Kolkata - 700 091.

..... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunal, 1985 praying for the following relief:-

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- “(a) To issue direction upon the respondent authorities to give compassionate appointment to the applicant on compassionate ground forthwith;
- (b) To issue further direction upon the respondent authorities to quash/cancel and/or set-aside the impugned order, dtd. 26.05.2010 forthwith;
- (c) To issue further direction upon the respondent authorities to give appointment on compassionate ground to the applicant;
- (d) Any other order or further order or orders as Your Lordships may deem fit under the circumstances of the case;
- (e) to produce Connected Departmental Record at the time of hearing of the case.”

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage. The applicant had earlier approached the Hon'ble High Court of Orissa at Cuttack which had granted him liberty to approach the appropriate forum in accordance with law vide its orders dated 20.8.2019. The applicant has, accordingly, approached this Tribunal for relief.

3. Ld. Counsel for the applicant would submit that the applicant, is the son of Late Sanjay Birua, who had died in harness on 22.9.2004. The applicant's mother had predeceased her spouse and the applicant thereafter applied for appointment on compassionate ground. His prayer, however, was rejected by the respondent authorities stating that his prayer had been reviewed on regular basis, and, after completion of three years and due to non-availability of vacancies within 5% quota during the period of consideration, the authorities regretted their inability to offer him any such appointment.

The applicant was aggrieved on the grounds that, pursuant to the recent guidelines of DOP&T, his prayer for compassionate appointment should not have been considered as closed, and, that, no comparative assessment of candidates was made available to establish as to how his claim for compassionate appointment had been rejected.

Ld. Counsel for the applicant would fairly submit that the applicant may be given an opportunity to prefer a comprehensive representation to

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the authorities citing Office Memorandum and judicial decisions in his support, upon which, the competent respondent authority should be directed to dispose of the same in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

5. Accordingly, with the consent of the parties, and, without entering into the merits of the matter, we accord liberty to the applicant to prefer a comprehensive representation citing Office Memorandum and judicial decisions in his support within four weeks from the date of receipt of a copy of this order.

In the event such representation is received, the concerned respondent authority shall thereafter arrange to place his matter to the appropriate authority for reconsideration. The decision of such authority should be conveyed within a period of one month thereafter to the applicant.

6. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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