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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O.A.No. 307 of 1988.

Date of decision- 23rd August, 1989.

1. Smt. Aji Tarai, w/o Late Dhadi Tarai,  
Ex-T-1-3-CIFA, Bhubaneswar (Ex-Driver),  
Central Institute of Freshwater Acquaculture,  
P.O.Kausalyaganga, Via-Bhubaneswar-2,  
District-Puri.
2. Debendra Tarai, s/o late Dhadi Tarai,  
S/o Late Dhadi Tarai, Ex-Driver, CIFA  
(Central Institute of Freshwater Acquaculture)  
P.O.Kausalyaganga, Via-Bhubaneswar,  
District-Puri.

Both are at present residing At-Shaikhbazar,  
P.S.Lalbag, Town and District-Cuttack.

... Applicants

Versus.

1. Indian Council of Agricultural Research,  
represented by the Director-General,  
Krishi Bhawan, New Delhi.
2. The Director, Central Institute of  
Freshwater Acquaculture, At/P.O.  
Kausalyaganga, Bhubaneswar-2,  
District-Puri.

... Respondents.

M/s C.V.Murty, C.M.K.Murty  
and S.K.Rath

... For Applicants

Mr. Ganeswar Rath, Senior  
Standing Counsel (Central)

... For Respondents

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CORAM :

The Honourable Mr. B.R. Patel, Vice- Chairman

A n d

The Honourable Mr. N. Sen Gupta, Member (Judicial)  
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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T.

N. Sen Gupta, Member(Judicial).

Applicant No.1 Smt.Aji Tarai

is the widow and applicant No.2 is the son of late Dhadi Tarai who was working as a driver in the Central Institute of Freshwater Acquaculture( for short, the C.I.F.A.) at Kausalyaganga, Bhubaneswar. While in service, Dhadi died on 30.10.87 leaving behind eight persons, i.e. five sons, two daughters and a widow. The applicant No.1 applied to the Director, C.I.F.A. for appointing her second son on a compassionate ground as Dhadi died while in service. This prayer of the applicant No.1 has been turned down. That is why, it is alleged by the applicants, that they have come to this Tribunal for a direction to consider the case of the second son of applicant No.1 who is applicant No.2 in this application for being appointed in the Institute in any available post.

2. Though the counter filed by the Indian Council of Agricultural Research ( for short, the I.C.A.R.), which controls the C.I.F.A., is rather lengthy, the main ground on which the prayer of the applicants is being resisted is that the applicants are not Non-affluent, in that they have two houses at Cuttack - one pucca house at Shaikhbazar and another house at Dhobilane, and that one of the sons of the deceased Dhadi has been employed in the C.I.A.F. itself as a driver and that there is no material justifying the appointment of the applicant

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No.2 on compassionate grounds.

3. It has been submitted by Mr. C.V.Murty, learned counsel for the applicants, that doubtless the eldest son of Dhadi is an employee in the C.I.A.F., but he was employed prior to the death of Dhadi and further that he is living with his own family at Bhubaneswar in the quarters provided to him by the C.A.I.F.. Since the eldest son has already raised his family, it cannot be said that he still continues to be a member of the family of Dhadi though for the purpose of personal law he <sup>may</sup> ~~is~~ still <sup>be</sup> continuing ~~to be~~ as such. There is some force in the contention of Mr. Murty, but we need not examine this in a greater detail for what we are going to state below.

4. On hearing Mr. Ganeswar Rath, learned Senior Standing Counsel for the Central Government, what emerges is that in the application made to the Director, all the relevant materials do not appear to have been given so as to enable the Director to obtain the permission of the Secretary concerned for giving the appointment on ~~the~~ compassionate ground as per the conditions of eligibility laid down in Office Memorandum No.14014/6/86-Estt. (D) dated 30th June, 1989 of the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi. We therefore direct that the applicants should furnish all the required information~~s~~ to the Director who, in turn, would make such an enquiry as would be deemed fit and proper and obtain orders of the Secretary within six months from the date of receipt of a copy of this judgment.

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5. The application is accordingly disposed of, leaving the parties to bear their own costs.

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Member (Judicial)

B.R.Patel, Vice-Chairman.

I agree.



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Vice- Chairman.

Central Administrative Tribunal,  
Cuttack Bench, Cuttack,  
The 23rd August, 1989/ Jena, SPA.