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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 11 OF 1991

Date of decision: 9.7.93.

Shri Pramod Kumar Mohanty ... Applicant

-Versus-

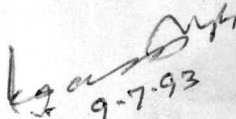
Union of India and Others ... Respondents

(For Instructions)

1. Whether it be referred to the Reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

9.7.93


(K.P. ACHARYA)
VICE-CHAIRMAN

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For the Applicant : M/s. A.K. Mishra,
S.K. Das,
S.B. Jena,
Advocates

For the Respondents : Mr. P.N. Mohapatra,
Addl. standing Counsel (Central)

...

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAIRMAN
AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

J U D G M E N T

K.P. ACHARYA, V.C.

In this application under section 19 of the
Administrative Tribunals Act, 1985, the petitioner

prays for a direction to the Opposite Parties to appoint the petitioner ^{to a} as Gr 'C' post and to quash the order of rejection contained in Annexure 9.

2. Shortly stated the case of the petitioner is that father of the petitioner Pahali Mohanty was serving in the Department of Tele-communication for about 33 years and on 10.12.1986 he met with an accident and ultimately took retirement on the ground of invalidation and was relieved from service with effect from 9th February, 1987. On 28th March, 1987, the petitioner made an application to Opposite Party No. 3 for giving him a compassionate appointment due to indigent circumstances in which the family was placed. Case of the petitioner was considered and recommendation was made by the Circle Selection Committee for compassionate appointment. Accordingly the petitioner was appointed to a Gr. 'D' Post. Grievance put forward by the Petitioner in this case is that since the petitioner is a graduate, he should have been given Gr. 'C' Post. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the opposite parties maintained that the committee recommended appointment of the petitioner to Gr 'D' Post which he had accepted and has been serving as such. Therefore, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Aswini Kumar Misra learned Counsel appearing for the petitioner and Mr. P. N. Mohapatra learned Additional Standing Counsel (Central) for the Opposite Parties. The fact that the petitioner has accepted the offer and has joined in Gr 'D' post on 7.12.1987 was not disputed before us. True it is commensurate with his educational qualification the petitioner should have been given a compassionate appointment, but it all depends on the vacancy. That apart the intention in giving a compassionate appointment is for sustenance of the livelihood of the members of the family. The petitioner has been given a Gr. 'D' post and ~~he~~ is now capable of earning his bread and butter.

5. In the circumstances stated above, we find no merit in this application which stands dismissed leaving the parties to bear their own cost .


MEMBER (ADMINISTRATIVE)

9/7/93.

Central Administrative Tribunal
Cuttack Bench, Cuttack, K. Mohanty/
.7.1993.




VICE-CHAIRMAN