

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 483 of 1993.

Date of decision : January 4, 1994.

Rabindranath Mallik . . .

Applicant

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ?
 2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

(K. P. ACHARYA)
VICE-CHAIRMAN

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For the applicant ...

M/s. A. Kanungo,
D.P. Dhalsamant, Advocates.

For the respondents ...

Mr. Ashok Misra,
Sr. Standing Counsel (Central)

C O R A M:

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

ORDER

K.P. ACHARYA, V.C., The applicant prays for an appointment on compassionate ground. The father of the applicant died in harness while serving as a Sepoy under the Collector, Central Excise & Customs, at Calcutta (Respondent No. 2). The applicant's father Kelu Mallik died on 31.8.1971. The prayer of the applicant for compassionate appointment was rejected because of some discrepancy in the date of birth of the applicant, basing on the statement made by late father, Kelu Mallik.

2. A rejoinder has been filed in this case along with a copy of the Matriculation certificate which indicates that the applicant was born on 15.8.1966. Law is well-settled and rightly and fairly not disputed at the Bar that the age recorded in the Matriculation certificate or the

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school leaving certificate is the basis for determining the age of a particular person especially a Government employee. Unfortunately, this Matriculation certificate was not filed before the competent authority. The applicant is directed to file a xerox copy of the Matriculation certificate before ~~xxx~~ Respondent No. 3 and renew his prayer for giving him a compassionate appointment and in case, Respondent No. 2 needs the original Matriculation certificate, that should also be filed and it is directed that Respondent No. 3, the Collector, Central Excise and Customs, Bhubaneswar should reconsider the matter in the light of the changed circumstances, taking into account that the applicant, Rabindranath Mallik was a minor at the time of the death of his father, late Kely Mallik. Reconsideration and final orders should be completed within 60 days from the date of receipt of a copy of this judgment. The applicant should renew his prayer by filing another application along with the copy of the Matriculation Certificate before ~~the~~ Respondent No. 3 within 15(fifteen) days from today. I have particularly given this direction to ~~the~~ Respondent No. 3 because though Kely Mallik was serving under Respondent No. 2 before his death yet the Office of the Collector, Central Excise & Customs, which was not in existence then at Bhubaneswar has now come into existence at Bhubaneswar and therefore I feel that Respondent No. 3

is the competent authority to deal and dispose of this matter. In case, Respondent No.3 lacks in competency and Respondent No.2 is the competent authority then all papers should be sent to Respondent No.2 who should devote his attention and pass necessary orders as indicated above within 45 days from the date of receipt of the communication by him ^{from} _{by} Respondent No.3.

3. This order is passed after hearing Mr. Agasti Kanungo, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel (Central) for the respondents.

4. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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4.1.94.
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 4, 1994/Sarangi.

