

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 686 of 1993.

Date of decision : May 6, 1994.

Manjari Parija ...

Applicant.

Versus

Union of India and others ...

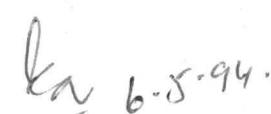
Respondents.

(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?


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

06 MAY 94


(K. P. ACHARYA)
VICE-CHAIRMAN.

May 6-8-94

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For the applicant ...

Mr. D. P. Dhalsamant, Advocate.

For the respondents ...

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

CORAM :

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

A N D

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

ORDER

K. P. ACHARYA, V.C., This case came up for admission and hearing today.

The prayer of the applicant in this case is to give a direction to the respondents to give an appointment to the applicant on compassionate grounds against any of the vacancies in the Orissa Circle.

2. The present applicant had filed an application under section 19 of the Administrative Tribunals Act, 1985, before this ~~hon'ble~~ Bench praying for a direction to the appropriate authority for compassionate appointment. This formed the subject matter of O.A. 250 of 1992 disposed of on 27.7.1992. The Bench recommended the case of the applicant to the competent authority for giving an appointment on compassionate grounds. As found from the averments finding place in the pleadings of the applicant

in the present case, and from the pleadings finding place in the counter, appointment has been denied to the applicant on the ground that her name being Smt. Manjari Parija, the School leaving certificate indicates that the said certificate was granted in favour of one Manguli Majhi. According to the Department in view of of the irreconcilable discrepancy, the Department could not extend the compassionate heart to the applicant in giving her an appointment.

3. We have heard Mr. D. P. Dhalsamant, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel (Central) on the merits of the case. No doubt the transfer certificate indicates to have been issued in favour of Manguli Majhi. The Utkal Balashram authority, Berhampur (Ganjam) had addressed a letter to the late Husband of the applicant in which it is found that the authority accorded consent for marriage of Manguli Majhi with Golakh Chandra Parjia. Prima facie there appears to be discrepancy and therefore, in our opinion the Departmental authorities were justified in not issuing the order of appointment but there are certain unimpeachable documentary evidence which have been placed before us for which we feel inclined to accept the prayer of the applicant. An affidavit was sworn long back on 23.12.1989 stating that after marrying Golakh Chandra Parjia the name of the applicant was changed from Manguli Majhi to Manjari Parija. This fact has been stated in unequivocal terms in paragraph 4 of the said

affidavit. Pension payment order to which the photograph of the applicant has been affixed has been issued in favour of the applicant, Smt. Manjari Parija, wife of late Golakh Chandra Parija. The photograph having tallied with the face of the applicant whom we have seen in the Court and in view of the facts stated in the affidavit coupled with the pension payment order having been issued in favour of Smt. Manjari Parija, wife of late G.C. Parija we have no hesitation in our mind to accept the case of the applicant that originally her name was Manguli Majhi when she took ~~Matriculation examination~~^{Transfer certificate} from Khallikote Girls High School and subsequently after marriage her name was renamed as Smt. Manjari Parija. Therefore, we would direct the respondents in this case to act on the certificate filed by Smt. Manjari Parija in which she has been named as Manguli Majhi. We hope and trust the appointment order would be issued in favour of the applicant within 90 (ninety) days from the date of receipt of a copy of this judgment.

The certificate and the pension payment order are returned to the counsel for the applicant.

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

MEMBER (ADMIN) 06 MAY 91

Leg. Ass't. 6-5-96
VICE-CHAIRMAN.

Central Admn. Tribunal
Cuttack Bench, Cuttack.
May 6, 1994/Sarangi.