

Serial No. of Order	Date of Order	Order with Signature
7	17-5-96	<p>Heard Shri H.P.Rath, learned counsel for the applicant and Shri Ashok Mohanty, learned Senior Standing Counsel for the Respondents.</p> <p>2. This application was filed on 11.7.1995 under Section 19 of the Administrative Tribunals Act, 1985. The applicant prayed for a direction to the Respondents to provide him compassionate appointment in any of the Class-III posts within a specified time. The father of the applicant, late Prafulla Chandra Panda worked as Accounts Officer in the office of the Accountant-General (A&amp;E), Orissa, Bhubaneswar (Respondent No.3). He died on 12.2.1984 leaving behind three daughters and two sons who were minors. His eldest son, the applicant, attained majority on 13.7.1993. Finding no explicit provision for the widow of the deceased to make an application for compassionate appointment, the family waited till the eldest son attained majority. My attention has been drawn to Clause 7 of the Office Memorandum No.14014/6/86-Estt. dated 30.6.1987 wherein the Departments have been directed to consider even belated requests for compassionate appointment. These instructions will apply where the dependents are minor and are not immediately eligible for compassionate appointment. The mother filed an application on 1.7.1994 on behalf of the applicant. At that time the applicant was studying in Second Year of +3 Science Course. In response to the said application, the Senior Accounts Officer sought for certain clarifications, particularly the income certificate from the Revenue Authority, not</p>

Serial No. of Order	Date of Order	Order with Signature
Order No. 7 (Contd.)		<p>below the rank of Tahasildar. This clarification was furnished by the applicant by way of an affidavit wherein the other family members expressed their acceptance if the applicant is considered for compassionate appointment. An income certificate was also submitted which declared income of Rs.400/- per annum from the landed property. Thereafter by letter dated 15.5.1995 (Annexure-6) the Senior Accounts Officer of the office of Respondent No.3 informed the applicant's mother that the request for compassionate appointment was rejected.</p> <p>3. This rejection was unacceptable to the applicant's mother who made a representation on 6.6.1995 to the Comptroller &amp; Auditor General of India, Bahadur Shah Zafar Marg, New Delhi (Respondent No.2) to consider her case. It is mentioned at paragraph 2 of the counter affidavit:</p> <p>"That this application is premature in view of the fact that the applicant's case was reopened as per the orders of the Comptroller &amp; Auditor General of India, who has sought certain information after receipt of appeal from the applicant's mother. The case is under process and final action has not yet been communicated to the applicant."</p> <p>At paragraph 18 of the counter affidavit it is stated that the C.A.G. has called for some information from the A.G., Bhubaneswar and the matter is under investigation. The applicant without waiting for the orders of the C.A.G. has approached this Tribunal for redressal.</p> <p>4. In view of this submission in the counter affidavit, it is unnecessary to deal with the matter on merits. The matter is under consideration of the C.A.G., the highest authority in the Department. The applicant should have waited for the orders of the C.A.G. In this view of the</p>

(6)

6

(A)

Serial No. of Order	Date of Order	Order with Signature

matter, I hold that this application is premature. The applicant shall await the orders of the C.A.G. and if aggrieved against those orders, he may move the C.A.T. in future, if advised. As it is, the application is dismissed as premature because the availing departmental remedy has not been exhausted.

5. Respondent No.2, in view of the long pending grievance, may dispose of the applicant's representation (Annexure-7) within two months from the date of receipt of copy of this order.

*.....*  
MEMBER (ADMINISTRATIVE)