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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 696/1995
Cuttack, this the 26th day of November, 2001.

Anil Kumar Jena. ... Applicant.

Vrs.

Union of India & Ors. ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *Yes*,

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

Somnath Som
(SOMNATH SOM)
VICE- CHAIRMAN
26.11.2001

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.696 OF 1995.
Cuttack, this the 26th day of November, 2001.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN.

ANIL KUMAR JENA,
Aged about 20 years,
Son of late Laxmidhar Jena,
resident of Village Rudrapur,
Po: Remuna, Dist: Balasore. Applicant.

by legal practitioner : M/s. H. M. Dhal, A. A. Das, B. Mohanty,
Advocates.

: Versus :

1. Union of India represented through the Secretary, to the Government of India, Ministry of Defence Research and Development Organisation, New Delhi.
2. Commandant, Proof and Experimental Establishment, At/Po: Chandipur, Dist: Balasore.

... Respondents.

By legal practitioner : Mr. A. K. Bose,
Sr. Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the Respondents to appoint him under rehabilitation Assistance Scheme. The case of the applicant is that his father Laxmidhar Jena was working as Mali under the Commandant, Proof and Experimental Establishment, Respondent No. 2. He passed away in 1976. The mother of the applicant was given compassionate appointment

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in 1978 in a Class IV job under rehabilitation Assistance scheme. The mother of applicant subsequently married one Sarat Ch.Jena, in the year 1980. Consequent upon the re-marriage of the mother of applicant, the family pension given to the mother of applicant was discontinued and the family pension was given to applicant through his legal guardian grand-mother of applicant and the mother of the deceased Govt.servant. At the time of the death of the father of applicant, the applicant was minor. He passed Madhyama course from Kambunarayan Sanskrit Vidyalaya, Patnraipur, Balasore under Shri Jagannath Sanskrit Vishvavidyalaya, Srivihar, Puri in the year 1994. Applicant has stated that this is equivalent to High School Certificate examination. Applicant submitted an application on 29.3.1995 for appointment under rehabilitation assistance scheme but no action has been taken on his petition. Because of this, the applicant has come up in this Original Application with the prayer referred to earlier.

2. Respondents have filed counter opposing the prayer of applicant. It is not necessary to refer to the averments made by the Respondents in their counter because these will be referred to while considering the submissions made by learned counsel for both sides.

3. No rejoinder has been filed.

4. I have heard Shri H.M.Dhal, learned counsel for the applicant and Shri A.K.Bose, Learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

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5. From the pleadings of applicant himself, it is seen that after the death of the applicant's father in harness, the applicant's mother was provided with compassionate appointment. Because the mother has married again the applicant does not have a right to be considered for compassionate appointment. The scheme of compassionate appointment does not provide for any such contingency. Mother of applicant has been provided with compassionate appointment with the ~~obligation~~ that she will look-after the family of the deceased Govt. employee which consisted besides the widow, the applicant and the mother of the deceased Govt. employee. As the compassionate appointment scheme does not envisage granting compassionate appointment in a case like the applicant, I hold that the application is without any merit and the same is rejected. No costs.

Somnath Som
(SOMNATH SOM
VICE-CHAIRMAN
26.11.2001.

KNM/CM.