

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

Cuttack, this the 17th day of August, 1999

ORIGINAL APPLICATION NO. 198 OF 1998

SMT. SANJUKTA SWAIN

....

APPLICANT

Vrs.

UNION OF INDIA & OTHERS

....

RESPONDENTS

FOR INSTRUCTIONS

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
17.8.99

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

Cuttack this the 17th day of August, 1999.

ORIGINAL APPLICATION NO.198 OF 1998.

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

Smt. Sanjukta Swain
W/o Late Manguli Charan Swain,
At-Ramarun, 504-Paika Nagar,
Po. Baramunda Colony,
Bhubaneswar-751003.

..... Applicant

By legal practitioner : M/s N.K.Mishra, K.K.Sahoo,
M.Rath, S.K.Mishra, Advocates

Versus

1. Union of India represented by
Secretary, Ministry of Home Affairs
New Delhi
2. The Registrar General, India
represented through its
Deputy Director, 2/A, Manshing Road,
New Delhi
3. Director, Census Operations,
Ministry of Home Affairs,
Government of India,
New Delhi
4. Deputy Director,
Census Operations,
Orissa,
Janpath, Unit-IX,
Po. Sahid Nagar,
Bhubaneswar

..... Respondents

By legal practitioner : Mr. B. Dash, Addl. S.C.

S/Som -

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant who is a widow of Manguli Charan Swain, who was working as a Loader in the Office of the Respondent No. 4, i.e. Deputy Director, Census operations, Orissa has prayed for compassionate appointment arising out of the death of her husband. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. It is only necessary to note that the admitted position between the parties is that applicant's husband was working in a regular post of Loader under the Respondent No. 4 and he passed away on 12.1.1995 leaving behind his widow, the present applicant and two minor children aged about 8 and 3 years. Applicant has stated that she is in indigent condition and she has filed a representation for compassionate appointment but his case has not been considered.

2. Respondents in their counter, inter alia have taken the stand that the case of applicant could not be considered because there is no vacant post in Gr.D. On the above ground, Respondents have opposed the prayers of applicant referred to earlier.

3. We have heard Mr. S.K. Mishra, learned counsel for applicant and Mr. B. Dash, learned Additional Standing Counsel appearing for Respondents and have perused the records. It has been submitted by learned Additional standing Counsel that the case of applicant could not be considered in the absence of any vacancy at the level of

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Gr.'D'. It was submitted by the learned Additional Standing Counsel that there is shrinkage of work consequent upon completion of work and in order dated 20.7.1999 passed in O.A.No.709 of 1996 passed by the Tribunal, the Tribunal has allowed this organisation to retrench seven persons, some of whom belong to Gr.'D' category. We have considered the submissions made by learned counsel for both sides. The only difficulty of the Departmental Authorities is that in the absence of any post, they are unable to consider the candidature of applicant for compassionate appointment. In view of the above, the Original Application is disposed of with a direction to the Respondents that as and when Gr.'D' posts become available, the candidature of applicant for compassionate appointment, should be sympathetically considered by the Departmental Authorities and appropriate orders passed. It is submitted by learned counsel for applicant that she will file a fresh representation within one month from the date of receipt of a copy of this order before the Departmental Authorities. In view of this, it is further ordered that the representation, if filed, should be kept pending and disposed of only after new posts are sanctioned which is likely to happen in view of the coming census in 2001. At that time, the representation of the petitioner shall be disposed of as indicated above and the result intimated to the petitioner within 15 days from the disposal of her representation. We make it clear that

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compassionate appointment of applicant should be considered alongwith other pending cases in the directorate if any.

4. In the result, the Original Application is disposed of with the observations and directions made above. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
17.8.99.

KNM/CM.