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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.2 OF 1999  
Cuttack this the 24th day of December, 1999

Pradeep Kumar Mallick

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? 79
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

24.12.99  
(G.NARASIMHAM)  
MEMBER(JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 2 OF 1990  
Cuttack this the 24th day of December, 1999

CORAM:

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

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Pradeep Kumar Mallick 27 years  
S/o. Late Ratnakar Mallick  
At/Po: Singhpur, PS: Binjharpur  
Dist: Jajpur

Applicants

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By the Advocates : M/s.P.K.Bhuyan  
Anusuya Dash

-Versus-

1. Union of India represented through  
Secretary, Department of Agricultural Research  
and Education and B.B., Indian Council of  
Agricultural Research, Krushi Bhawan, Dr.Rajendra  
Prasad Road, New Delhi-110001
2. Secretary,  
Indian Counsel of Agricultural  
Research, Krushi Bhawan  
Dr.Rajendra Prasad Road  
New Delhi-110001
3. Director  
Central Rice Research Institute  
Bidyadharpur  
Cuttack-6

Respondents

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By the Advocates : M/s.Ashok Mishra  
S.C.Rath  
H.P.Rath

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ORDER

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MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application praying for appointment under Rehabilitation Scheme, the applicant is the son of the deceased Ratnakar Mallick, who died on 4.9.1996 while in service under the respondents. It is the case of the applicant that his widow/mother since the death of his father has been representing to the authorities for compassionate appointment, but without any response. The deceased left behind a large family consisting of five members including the applicant, who have no source of income.

The applicant has read upto + 3 Arts and belonging to Scheduled Caste. He is having four unmarried sisters. Hence this application.

2. Respondents in their counter submit that as per Govt. instructions only 5% of the total vacancy in Class-III and Class-IV posts in a year is earmarked for compassionate appointment and nine candidates applied earlier than the applicant for compassionate appointment are still waiting. Hence when the turn of the applicant comes his case will be considered. At the same time the respondents say that the applicant or any member of the family are not indigent. As per the certificate issued by the Tahasildar, the only income from the land of the family is about Rs.9000/- per annum. This apart, the applicant's mother is in receipt of Rs.4218/- per month towards family pension. Besides, the family had received D.C.R.G., L.I.C., F.P.F., leave encashment, arrear pay due to pay fixation and Group Insurance amounting to Rs.4, 68, 602/-. On these grounds the respondents pray for dismissal of this application.

3. In the rejoinder filed by the applicant it is stated that in view of the size of the family the applicants are to be treated as indigent. Applicant, in the rejoinder also disputed as to the quota prescribed by the Government for appointment on compassionate ground.

4. I have heard Shri P.K.Bhuyan, learned counsel for the applicant and Shri Ashok Mishra, learned senior counsel appearing for the respondents. Also perused the records.

Though in the rejoinder the applicant questioned the validity of fixation of quota for giving appointments under Rehabilitation Assistance Scheme, in course of arguments did not challenge the same. Since the validity of such quota system has not been challenged, I am not inclined to consider this aspect of the matter.

Admittedly, as per quota system, applicant's turn would come sometime later. The Department in their counter stated that the case of the applicant would be considered at that time. I, therefore, direct the respondents to consider the case of the applicant for compassionate appointment as and when his turn comes by taking into his financial position as pleaded by them in the counter.

As per observation and direction made above, the O.A. is disposed of, but without any order as to costs.

24.12.91  
(G.NARASIMHAM)  
MEMBER(JUDICIAL)

B.K.SAHOO