

ORDER DATED 27-11-2002.

Smt.Janhabi Mohanty, the Applicant being aggrieved by the decision of the Circle Relaxation Committee's order dated 16-12-1998 denying the compassionate appointment to her second son, has approached this Tribunal for a direction to the Respondents to reconsider the matter.

The case of the Applicant, as submitted by Mr.P.K.Padhi, learned Counsel for the Applicant is that the Circle Relaxation Committee found no merit for providing compassionate appointment to the second son of the applicant on the ground that out of the three sons, the eldest son of the Applicant is employed in a private Company and is working in Mumbai , that the second is in business as a dealer selling controlled Kerosene and the third son is a College student and that she has substantial landed property which gives a decent earning. Learned Counsel for the Applicant has emphatically argued that the Circle Relaxation

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Committee has grossly erred on all these grounds; because the eldest son was separated from the family when her husband was alive and has no longer with the family. The second son is no longer earning anything because at present ~~the~~ Kerosene is decontrolled and that although she has ~~the~~ property but she does not have eight Acrs. as stated by ex-Sarpancha of the village. The landed property in her possession is meagre i.e. only 2.03 decimals. In the circumstances, the Respondents have failed to appreciate the financial hardship of the family and therefore, needs to give a re-look in the entire matter, ~~afresh~~.

Mr. S. B. Jena, learned Additional Standing Counsel for the Union of India appearing for the Respondents has stated that the Respondents have thoroughly verified the family status and the financial conditions and have found it difficult to categorise the family being under any hardship and the condition of the family also does not come within the meaning of the DGP&T letter at Annexure-R/1 not being hard and exceptional in nature. He also pointed out that

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the separation deed, in question, having not been registered during ^{the} life time of the husband of the Applicant, can not be accepted as conclusive evidence in the eye of law.

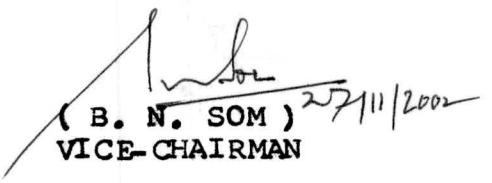
After hearing ^{the} learned counsel for both sides, it is evident that the Respondents, although enquired into the financial conditions of the family, had not produced any complete evidence to show if there is ^{was} any financial contribution coming to the family from the eldest son of the Applicant. Secondly, the second son although was a dealer selling Kerosene, but at present Kerosene being a decontrolled item, the financial condition of the family has undergone changes. In view of the aforesaid facts, the Respondents are hereby directed to carry out a fresh enquiry into the financial condition of the family with special reference to the points referred to above, and on the basis of the fresh enquiry report, the Circle Relaxation Committee ^{may} come to a conclusion whether financial

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condition of the family merits reconsideration to enable them to offer an appointment to the second son of the Applicant.

In the result, therefore, ^{and} with the observations and directions made above, this O.A. is allowed. There shall be no order as to costs.


(B. N. SOM) 27/11/2002
VICE-CHAIRMAN

KNM/CM.