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O.A. NO. 44/1999.

ORDER DATED 19-12-2001.

Heard Shri D.P. Dhalsamant, learned counsel for the Applicant, Shri B. Dash, learned Additional Standing Counsel appearing for the Departmental Respondents and Shri T. Rath, learned counsel for the private Respondent No. 4 and have also perused the records.

In this Original Application, the applicant who is the widow of Jagadananda Panigrahi, EX-EDBPM, Baruanpal BO has prayed for a direction to the Respondents to give appointment to the son of applicant Shri Dipak Ranjan Panigrahi on compassionate ground. Departmental Respondents have filed counter opposing the prayer of applicant. It appears that the post held by the husband of the applicant has been in the meantime filled up by the intervenor, Res. No. 4 and he has also filed counter opposing the prayer of applicant. No rejoinder has been filed.

We have perused the pleadings of the parties. For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that the husband of the applicant passed away on 15.10.1996 while working as EDBPM, Baruanpal BO leaving behind a son followed by two daughters followed by second son in whose favour the present petition for compassionate appointment has been made. It further appears that on the ~~xxxxxx~~ death of the deceased ED employee, the widow made an application for giving compassionate appointment to her younger daughter and the Departmental Authorities had asked the applicant to indicate why she had prayed for compassionate appointment in favour of her second daughter instead of the son.

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It is submitted by learned counsel for the applicant that the applicant had prayed for compassionate appointment for the second daughter because first daughter had already been married by that time and the first son had been separated from the family and the second son was a minor at that stage. However, after the prayer for compassionate appointment was rejected, the petitioner again approached the Departmental Authorities to give compassionate appointment to her second son and this was also rejected on the ground that the first son of applicant is employed. From the pleadings of the parties it appear that the first son of the applicant is a cost accountant and his wife is a Lect. in Hindol College. Learned counsel for the applicant has submitted that the first son has been separated from the family but there is no document in support of the same. It further appears from the counter of the Respondent No. 4 that the second daughter is also married to a Govt. servant in February, 2001 and the second son is running a Book store at Hindol market. These averments made by Respondent No. 4 in his counter have not been denied by the applicant by filing any rejoinder. In consideration of this we do not find any illegality in the stand taken by the Respondents in the counter that the family is not in an indigent condition. In view of this, we find that the applicant is not entitled to the relief claimed by him in this O.A. The OA is accordingly rejected. No costs.

(NITYANANDA PRUSTY)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHIEF JUDGE

KNM/CM.

Free copies of final order  
dt. 19/12/01 issued to counsel  
for both sides.

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26/12/01

*S.O.C.I.*