

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 4.7.2001

Heard Shri C.M.K.Murty, learned counsel for the petitioner and Shri A.K.Bose, learned Sr.Standing Counsel and Shri U.B. Mohapatra, learned Addl.Standing Counsel appearing on behalf of the respondents.

In this O.A. the petitioner has prayed for a direction to respondents to consider his case for appointment to the post of L.D.Clerk in the Office of the Superintending Engineer. Respondents have filed their counter opposing the prayer of the applicant. No rejoinder has been filed.

For the purpose of considering this petition it is not necessary to go into too many facts of the case. It is only necessary to note that applicant's father Faudar Paswan was working as Work Asst.. Applicant's mother, i.e. widow of the deceased had approached the Tribunal earlier in O.A.84/95, which was disposed of in order dated 7.9.1995(Annexure-2). The Tribunal in their order noted that the applicant has three sons and she applied for compassionate appointment in respect of her third son. The first two sons staying separately were working as ~~casual~~ agricultural labourers, income from which was seasonal. In consideration of the facts and circumstances and the prayer of the applicant's mother ^{on} and the submissions made by the learned counsel for the petitioner in that case that the applicant's son was prepared to work anywhere in the Country in the lowest post, the Tribunal in the earlier ^{order} directed consideration of his case. Accordingly the applicant was appointed as Peon. He has got the qualification to be appointed as L.D.C. and that is why he has come up in this O.A. seeking appointment as L.D.C. The departmental authorities have referred the matter to DOPT and they have advised that once a compassionate appointment is given, further ~~consideration~~ ^{from the} ~~on~~ has to be done in normal course and not on compassionate ground. In any case on behalf of

the applicant it was stated ~~that~~ in the earlier O.A. that he was prepared to work anywhere in the country in the lowest post. He was given a posting at Bhubaneswar and is working as Peon. In view of this we do not think that there is any ~~case~~ made out by the applicant to issue any further direction to the respondents. It is, however, submitted by the learned counsel that the petitioner has filed a representation dated 12.11.1998 vide Annexure-5 to Respondent No.2 which is still pending. In consideration of this, we direct Respondent No.2 ~~to~~ to dispose of the said representation, if the same is still pending with him, within a period of 45(forty-five) days and communicate the decision thereon to the applicant within 15(fifteen) days thereafter.

The O.A. is disposed of as above. No costs.

MEMBER (JUDICIAL)

Venkateshwaran
VICE-CHAIRMAN
4.7.2001

Free copies of final order dt. 4.7.2001 issued to counsel for both sides.

6/7/01

A.G.
S. O.C.