

04517/99

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

dt. 27.9.2000

Both the applicant and his counsel are absent on call. No steps taken for filing rejoinder. Put up to Bench for further orders.

*[Signature]*  
27/9/2000  
REGISTRAR

Rejoinder not filed

*[Signature]* Bench  
23/11

Rejoinder not filed.

*[Signature]* Bench  
20/12

Rejoinder not filed.

*[Signature]* Bench  
7/2/01

Rejoinder not filed.

*[Signature]* Bench  
26/2/01

For Admission

*[Signature]* Bench  
20/2/01

For Admission

*[Signature]* Bench  
12/4/01

10. 21.03.2001

As per request made on behalf of learned Counsel for the petitioner matter is adjourned to 16.04.2001.

*[Signature]*  
vice-Chairman  
21/3  
*[Signature]*  
Member (J)

11. Order dated 16.4.2001

Heard Shri A.A.Dash, learned counsel for the petitioner and Shri U.B.Mohapatra, learned Addl.Standing Counsel for the Respondents and also perused the records.

In this Application the petitioner has prayed for a direction to respondents to give him appointment under rehabilitation assistance scheme. Respondents have filed their counteropposing 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 this case. The admitted position is that applicant's father A.Laxman Rao was working as Mail Man under Superintendent R.M.S. B.G.Division and was posted to at Khalikot Post Office. He passed away during harness on 7.4.1997 and the departmental authorities took up the matter for compassionate appointment to the son of the deceased the present applicant for rehabilitating the family which was indigent. It is also the admitted position that in letter dated 11.3.1998 (Annexure-2) the present applicant was approved for compassionate appointment as Mail Man in R.M.S. B.G. Division, Berhampur. The grievance of the applicant is that even though he was approved for compassionate appointment as Mail Man, he was only given temporary appointment against leave vacancy and has not been given the job on regular basis, for which he was eligible under compassionate appointment scheme to rehabilitate the family of deceased employee.

Respondents have taken the stand that compassionate appointment is to be made within 5% of vacancies under direct recruitment quota and that no vacancy of Mail Man is available in B.G. Division, Berhampur, in respect of which petitioner has been approved for compassionate appointment.

During hearing it is submitted by the learned counsel for the petitioner that the departmental authorities have asked for option from the applicant for getting appointed in some other post on regular basis and accordingly the applicant has given his option. It is submitted by Shri U.B. Mohapatra, the learned Addl. Standing Counsel that he has no instruction in the matter.

As this is a matter relating to compassionate appointment and the deceased postal employee has passed away since almost four years, we feel that the matter should be disposed of expeditiously.

In consideration of submissions made by the learned counsel for both sides, we dispose of this Original Application with a direction to Respondent Nos. 1 and 2 that in case the departmental authorities have actually asked for option from the applicant for being given regular appointment in some other post and in case the applicant has given such option, <sup>then</sup> on the basis of such option order of appointment be issued to the applicant within a period of 30 (Thirty) days from the date of receipt of this order. We also further direct that in case no such option has been called for from the applicant and in case vacancy is available in some other Division, then the departmental authorities may call for such option from the applicant within a period of 30 (Thirty) days from the date of receipt of this order and act upon the option so exercised by the applicant expeditiously.

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

MEMBER (JUDICIAL)

*Somnath Singh*  
VICE-CHAIRMAN  
16.4.2001

Free copies of final  
order dt. 16.4.2001 issued  
to counsels for both sides.

*S.O. Singh*

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17.4.01