

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 9.12.2002

Heard Shri H.P.Rath, Advocate for the Applicant and Shri Ashok Mohanty, learned learned senior counsel appearing for the Kendriya Vidyalaya Sangathan/Respondents.

Applicant's father while working in Kendriya Vidyalaya, Berhampur as a Group D employee died prematurely on 8.2.1986. Applicant's father entered into service on 19.1.1978. The Applicant was born on 10.7.1979 and by the time of premature death of his father, he was little above six years old. The Applicant attained majority in July, 1997 and in March, 1998, his mother submitted a representation seeking an employment on compassionate ground in favour of her son. The said representation of the mother of the Applicant was forwarded to Respondent No.2 by Respondent No.3 on 4.5.1998. Respondent No.2 before taking any decision sought instructions/material particulars vide his communication dated 4.6.1998. By the said letter dated 4.6.1998 under Annexure-3, the Applicant/Applicant's mother was asked to make the application in the prescribed proforma and ultimately the Applicant submitted an application in the prescribed proforma on 22.7.1998. On 1.12.1998, the Applicant was informed, verbally, about the rejection of his prayer for a compassionate appointment. In the aforesaid premises, the Applicant has filed the present Original Application under Section 19 of the A.T.Act, 1985, in the year 1999, for redressal of his grievances.

It has been disclosed by the Respondents that the competent authority rejected the prayer of the Applicant for a compassionate

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Copies of order may be sent to all parties by post and copy of said order may be sent to the counsel for the Respondent.

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appointment, as is seen under Annexure-A to the counter, because of the delay in submitting the application.

The Applicant's date of birth being 10.7.1979 and his father having died on 8.2.1986, the Applicant was a minor at the time of death of his father. He having attained majority in July, 1997, immediately steps were taken seeking an employment under Rehabilitation Assistance Scheme/on compassionate grounds. ~~Thus~~, there was really no delay in seeking relief from the competent authorities. Therefore, the Respondents are hereby directed to consider the case of the Applicant on merits to provide him an employment on compassionate ground, notwithstanding the internal communication dated 21.9.1998 made under Annexure-A. The stand taken by the Respondents in their counter vide Annexure-A dated 21.9.1998 is hereby overruled and the Respondents are directed to give due consideration to the grievance of the Applicant and provide him an employment on compassionate ground as expeditiously as possible, within a period of three months from the date of receipt of copies of this order.

With the aforestated observation and direction, this O.A. is accordingly allowed, without however, imposing any order as to costs.

Send copies of this order to the parties and copies of this order be also made available to the learned counsels of both sides.

J. S. J.
09.12.2002
MEMBER (JUDICIAL)