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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 137 OF 2000
Cuttack, this the 20th day of July, 2001

Shri Amarendra pattnaik

Applicant

Vrs.

Union of India and others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes

2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not? NO

(G.NARASIMHAM)
MEMBER (JUDICIAL)

S. NARASIMHAM
SOMNATH SOONI
VICE-CHAIRMAN
20.7.2001

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Shri Amarendra pattnaik
aged about 29 years,
son of R.N.Pattnaik, Qr.No.LIG/248,
Charbatia Housing Board,
At/PO-Charbatia, District-CuttackApplicant

Advocate for applicant - Mr.P.K.Nanda

Vrs.

1. Union of India, represented through its Director, Aviation Research Centre, Directorate General of Security (Cabinet Secretariat), East Block V, R.K.Puram, New Delhi-110 066.
2. Assistant Director (Administration), Aviation Research Centre, At/PO-Charbatia, District-Cuttack.
3. Deputy Director, Aviation Research Centre, At/PO-Charbatia, District-Cuttack

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Respondents

Advocate for respondents - Mr.B.Dash
ACGSC

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this O.A. the petitioner has prayed for a direction to the respondents to consider him for compassionate appointment forthwith.

2. The case of the applicant is that his father was serving under the respondents. Because of an accident he was declared completely invalid for Government service and was prematurely retired in 1988 when he had more than 8 years of service. As the financial condition of the family was not good, the petitioner

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applied for considering his case for compassionate appointment. In letter dated 16.10.1992 the applicant was directed to furnish all the relevant informations and ultimately in letter dated 30.11.1994 (annexure-3) the applicant's father was informed that the applicant cannot be provided with compassionate appointment for want of suitable post. The applicant has stated that in memo dated 15.9.1995 (Annexure-4) the applicant was directed to furnish his willingness to work as casual labourer in Estates Cell/Assistant Engineer Section as per their requirement. The applicant has stated that he was called for an interview for M.T.Cleaner in letter dated 20.7.1996 (Annexure-6) even though in the letter itself it was mentioned that the post is to be filled up by a scheduled Caste candidate. The applicant has stated and mentioned names of several other persons who have been provided with compassionate appointment after invalidation of his father. In the context of the above the applicant has come up with the prayer referred to earlier.

3. Respondents have stated that because of absence of posts it has not been possible to consider the case of the applicant. They have stated that in cases referred to by the applicant, compassionate appointment was provided only where the father or husband of the appointee has died prematurely leaving the family in distress condition. It is stated that even though the post of M.T.Cleaner was reserved for SC candidate, for making out a panel for future vacancies the applicant was called to the interview, but he did not appear. It is also stated that the applicant was asked to attend another interview for the post of Cook, but the applicant did not

appear. For the post of Aircraft Assistant the applicant could not qualify. In view of all the above, the respondents have stated that the allegation that he was not given any chance is not correct. It is furtherstated that because of ban on recruitment and 10% cut, a number of posts have been surrendered and the applicant cannot be engaged even as a casual worker.

4. Learned counsel for the petitioner was absent. We have heard Shri B.Dash, the learned Additional Standing Counsel for the respondents and have perused the records.

5. The applicant has stated that his father was retired on invalidation in 1988. From Annexure-7, enclosed by the applicant himself, it appears that the applicant worked as a casual labourer in the Car Project of Aviation Research Centre, Charbatia, from 2.1.1989 to 13.5.1994 on daily wage basis. Thereafter the Car Project was closed. From this it appears that immediately after invalidation of the applicant's father the applicant did get some sort of employment though on casual basis under the respondents for a number of years from January 1989 to May 1994. It further appears from the pleadings of the parties that the applicant did not qualify for the post of Aircraft Assistant. But as he was a casual labourer as per Annexure-7 and his services were disengaged because of closure of the Car Project, he is entitled to get preference over fresh candidates for future engagement quite apart from the fact that he is also entitled to be considered for compassionate appointment. The respondents in their counter have not

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denied that the applicant is entitled to compassionate appointment. They have merely stated that because of absence of posts, he could not be provided with engagement. In view of the above, we dispose of this O.A. with a direction to respondent nos. 2 and 3 that as the applicant is a disengaged casual labourer he should be given preference over fresh faces while engaging casual workers in future. His case for compassionate appointment should also be considered in its turn.

6. The Original Application is disposed of with the above observation and direction. No costs.

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(G.NARASIMHAM)

MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-~~CHAIRMAN~~
20.7.2001

CAT/CB/20-7-2001/AN/PS