

Order dated 5.3.2002

Heard Shri D.Panigrahi, learned counsel for the applicant and Shri S.B.Jena, learned A.S.C. for the Respondents.

The father of the applicant, while working as an Assistant Engineer in A.R.C. <sup>at</sup> Charbatia, passed away on 10.1.1998; because of a motor accident and, as it appears, the motor vehicle belongs to A.R.C. Organisation. On 12.2.1998 the applicant (son of the deceased employee) in order to remove the immediate distressed condition of the family, applied for an appointment on compassionate ground. On 29.7.1998 the applicant was called upon to furnish another application giving details for consideration of his case for compassionate appointment; and, accordingly, the applicant did furnish an application, as asked for, on 16.8.1998. After one year, i.e. on 28.8.1999, the applicant was called upon to face a selection for the post of Dhobi (Group D Post) and thereafter, by virtue of communication dated 24.7.2000 (Annexure-6) his prayer for compassionate appointment was turned down.

After hearing the learned counsel for the parties and after perusing the pleadings of the parties, I am of the opinion that the Authorities have made no sincere effort to remove the distressed condition of the applicant's family and that they have acted in a most arbitrary manner. Shri Jena, learned A.S.C. for the Respondents drew my attention to certain averments made in the counter to show

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that notwithstanding the rejection of the prayer for compassionate appointment under Annexure-6 dated 24.7.2000, the case of the applicant is under active consideration by the Department. Shri Jena states that the respondents are alive to the very Scheme of providing appointments on Compassionate grounds. Besides the Department is also alive that in certain extreme cases, the Apex Court of India pointed out that in order to give protection under Article 21 of the Constitution of India to the distressed families, if suitable posts are not available, supernumerary/temporary posts need be created to remove the distressed conditions of the deceased family of the Govt. servant, who faced premature death in peculiar circumstances. Here is a case where the father of the applicant working as an Assistant Engineer of the Defence Organisation of A.R.C., Charbatia faced a premature death on account of motor accident; the motor vehicle having belonged to the A.R.C. Organisation. In order to remove the immediate distressed condition of the family an employment on compassionate ground ought to have been provided to the applicant forthwith.

In the aforesaid circumstances, respondents are directed to explore the possibility of providing immediate employment to the applicant on compassionate ground, preferably within a period of three months hence. Shri Jena, learned Addl. Standing Counsel, is directed to exercise his good offices to take up the matter with the authorities with a view to providing appointment compassionate to the applicant, as directed above; especially when a Govt. servant faced death in a motor accident in course of discharging his duties.

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With the aforesaid observations and directions,

the O.A. is allowed, but without any order as to costs.

*Lebant*  
05/03/2002  
MEMBER (JUDICIAL)

Copies as ordered

at 5.3. or may be

sent to the Court

for both sides

*Arif*

*SOJ.*

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