

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

- 1. Counter filed by R-2 through Mr. B. Dash L.A. A.S. (CCG) without filing of A. Memo
- 2. Copy of counter of R-2 served.
- 3. A. Memo/Counter not filed by R-3
- 4. A.D. not returned from R-1

22/3/01

Reg.

23-3-2001
Learned ASC Sh. B. Dash files Memo for the applicant Sh. SR Das prays for time to file rejoinder. Heard. Time granted to file rejoinder by 11-A-2001

23/3/2001

REGISTRAR

No Court on 11-4-2001. Posted to 27-4-01

Rejoinder not filed.

26/4/01

Reg.

DI-27.4.2001

SJM

The learned counsel for the applicant prays for time to file rejoinder. Heard. Prayer allowed. Time granted till 21.5.2001 as last chance for rejoinder.

05. 20. 07. 01

At the instance of learned counsel for the petitioner matter is adjourned to 07.09.01.

Vice-Chairman
25/7/01
Member (J)

6. ORDER DT. 7.9.2001.

Learned counsel for the applicant Shri SR Das and his associates are absent. There is also no request on their behalf for adjournment from their side. In this case pleadings have been completed long ago and this is a case for compassionate appointment. In view of this it is not possible to drag on the matter indefinitely more so in the absence of any request for adjournment. We have therefore, heard Shri B. Dash, learned ASC appearing for the Respondents and have also perused the records.

Applicant in this case is the son of EX-EDBPM, Goras BO who passed away in harness on 28. 10.1998. In this O.A. the applicant has prayed for a direction to the Respondents to consider the case of applicant for appointment as EDBPM or any other suitable post as per his educational qualification.

Respondents have filed counter opposing the prayer of applicant. No rejoinder has been filed.

27/4/2001
REGISTRAR

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed

DS
18/5/01

Regr.

Ref. Registrar Court's
Order H.21.5.01

Hearings completed.

For further Order

DS
23/5/01

Bench

For Dismissal

Bench

For Admission

DS
6/9/01

Bench

S. Som

For the purpose of considering this petition, it is not necessary to go into too many facts of this case. Departmental Respondents in their counter have stated that the case of applicant was considered for compassionate appointment but as the applicant has applied for the post of EDBPM and he does not have the necessary minimum qualification of matriculation he could not be given such appointment. They have stated that applicant did not apply for any other ED Post and in any case no other ED post is vacant in the Division. We have considered the above submissions carefully. As the applicant did not have the minimum educational qualification for appointment to the post of EDBPM obviously he can not be given the post by way of compassionate appointment. Instructions provide for relaxation of educational qualification but only in case of spouse of the deceased ED employee and not for others. In view of this the prayer for appointment on compassionate ground to the post of EDBPM is held to be without any merit and the same is rejected.

Applicant has prayed for giving him compassionate appointment to some other ED post. Respondents in their counter have not made any averment that otherwise than on the ground of lack of educational qualification the applicant is **not** eligible to get compassionate appointment for ED Post other than EDBPM and SPM whose educational qualification is 8th class pass. In view of this Respondents should have

5 CA.607/2000

considered the applicant for appointment in any other ED Post. It has been submitted by Respondents in their counter that no ED post is vacant. In view of this, we dispose of this prayer with a direction to the Respondents that the case of applicant should be considered for compassionate appointment to any ED post other than EDBPM and SPM as and when such vacancy arises.

With the above directions the OA is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.

Free copies of final
order dt. 7.9.2001
issued to counsel
for both sides.

DB
12/9/01

Dis
12/9
S.O.D