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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 29 OF 2001
Cuttack, this the 12th day of March, 2003.

Ashok Kumar Sahoo. Applicant.

Vrs.

Union of India & Ors. Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? No
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 12/03/03

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

**ORIGINAL APPLICATION NO. 29 OF 2001
Cuttack, this the 12th day of March, 2003.**

CORAM:

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER(JUDL.).

Ashok Kumar Sahoo, Aged about 36 years,
S/o, Late Gouranga Charan Sahoo, of
B.D.A. Colony (Phase-I), Gr.No. MIG-II-
16/2, At/Po: Chandrasekharpur,
Bhubaneswar-16, Dist. Khurda. **Applicant.**

By legal practitioner : M/s. D. Deo, A. K. Mallik,
M. Deo, Advocates.

- Vrs. -

1. Union of India represented through Chairman,
Central Board of Excise and Customs, North
Block, New Delhi.
2. Commissioner, Central Excise and Customs,
Bhubaneswar-1, Commissionerate, Rajaswarvihar,
Bhubaneswar-4, Dist. Khurda.

.... **Respondents.**

By legal practitioner : Mr. A. K. Bose, Sr. Standing Counsel.

ORDER

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL) :

The father of the Applicant, while working as Superintendent of Central Excise became medically incapacitated and had to take voluntary retirement on 17.1.1991. Thereafter, both the son and the father had applied to the Authorities (Respondents) for providing an employment/appointment (on compassionate ground) to the Applicant. However, the said prayer having been turned-down by the Respondent No. 1 (under Annexure-R/1),

dated 29.9.1992 and 27.7.1993) the Applicant has preferred a representation (for reconsideration of his grievances for removing the distress condition of the family) to the Chairman of the Central Board of Excise and Customs (Under Annexure-6 dated 27.11.1999 ; which was also duly recommended by the Commissionerate at Bhubaneswar on 23.11.2000, as is evident from Annexure-4 dated 23.11.2000 for consideration) which is stated to be still pending. In the said premises, the Applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act,1985 praying therein for a direction to the Respondents to consider the case of the Applicant for providing him an appointment on compassionate ground.

2. The Respondents have filed their counter stating therein that though the earlier representation of the Applicant (for providing employment assistance, on compassionate ground) has been rejected and communicated to him under Annexures-R/1 and R-2; the subsequent representation addressed to the Chairman of the CBEC is still pending for consideration and no reply has yet been received from the headquarters.

3. Heard the learned counsel for the parties and perused the records.

4. The Respondents in their counter have also raised the preliminary objection of limitation. But in view of the fact that since the representation addressed to the Chairman of CBEC on 27.01.1999 (having been recommended by the Commissionerate of Bhubaneswar on 23.11.2000) is still pending; it cannot

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be said that this Application is in any way barred by limitation.

5. On perusal of the order of rejection it goes to show that while rejecting the case of the Applicant (for providing him employment assistance on compassionate ground) neither the reasons of rejection had been disclosed nor the very purpose of providing compassionate appointment i.e. the indigent condition of the family had been taken into consideration. In that view of the matter, the order of rejection under Annexures-R/1 and R/2 do not stand the scrutiny of law. The same is, therefore, quashed.

6. The Respondents are, therefore, directed to take a decision on the pending representation of the Applicant for providing him an employment assistance on compassionate ground. The Applicant is given liberty to place such of the additional documents, if any, in support of his plea that the family is still in distress condition and, in case such an additional evidence is produced within a period of 30 days from today in support of the indigent condition of their family, the Respondents are, hereby, directed to take into consideration the same and pass orders according to Rules/law within a period of 120 days from the date of receipt of a copy of this order.

7. In the result, therefore, this O.A. is allowed. No costs.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
12/03/03