

Order No. 6 dt. 08.04.2002

Applicant's father had a re-employment under Garrison Engineer Stationed at Chandipur in Balasore Revenue District of Orissa. He took a voluntary retirement on 15th September, 1997 on medical grounds. Whereafter, during 1998, the present applicant filed an application seeking employment on compassionate ground. It appears that the applicant's father is drawing pension @ around Rs.1828/- p.m. For providing an employment on compassionate ground, the strength of the family members and other sources of income are to be verified. It is also required to identify the vacancies within 5% of the total strength. Relying on a circular of the Department of Personnel and Training, which was issued, basing on the earlier circular dated 09.10.1998; Senior Standing Counsel states that pensionary benefits are to be counted for determining the distress condition of the family. Such an executive instruction of 1999 cannot be operative retrospectively and therefore, the

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Applicant's father, who faced voluntary retirement in 1997, cannot be bound by such executive instructions. Applicant having submitted application for compassionate appointment in the year 1998 he will also not be affected by the executive instruction of 1999.

As it appears, the application of the applicant for an employment on compassionate ground has not yet been disposed of and, therefore, it is stated to be still pending for ~~not~~ consideration. In that view of the matter, the respondents are directed to give due consideration to the ~~representations~~ ^{providing him} ~~application~~ of the applicant for an employment on compassionate ground and pass necessary orders within a period of three months hence.

In the result, this Original Application is disposed of in the aforesaid terms. No costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

Copy of order dt. 8/4/02
Issued to the Counsel
for both sides.

Parry
S.O.

MS
11/4/02