

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

03. ORDER DATED 30-7-2001.

Heard Shri P.K. Padhi, learned counsel for the Applicant and Shri A.K. Bose, learned Senior Standing Counsel for the Department.

In this Original Application seeking appointment under rehabilitation scheme applicants are aggrieved against the letter dated 29.7.2000 addressed by the Department to the Applicant No.2 that his case for compassionate appointment could not be considered as he was not eligible on the ground that he had not attained the age of 13 years.

There is no dispute that the father of the applicant No.2 died while serving under the Respondents on 4.12.1998. Applicant No.1 is the married daughter and applicant No.2 is the son. Annexure-6 the Transfer Certificate issued by the school reveals that the date of birth of applicant No. 2 is 6.7.1983 and that he had appeared at the Annual HSC examination of 1998. This certificate has not been disputed in the counter. Thus, it is clear by now the applicant No.2 had already attained 13 years of age and is eligible to be considered for appointment under rehabilitation scheme.

Respondents are therefore directed to consider the case of applicant No.2 i.e. Deopratna Sahoo for appointment under rehabilitation scheme in case he makes a fresh representation seeking appointment under rehabilitation scheme within 30 days from today and in case of receipt of such representation the Department <sup>shall</sup> ~~should~~ consider and dispose of that representation within a period of thereafter 90 days and intimate the result to the applicant No.2.

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Free copy of  
the final order  
dt. 30.7.01 given  
to the both  
counsel.

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Prayer  
6-8-01  
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In case the applicant No. 2 is further aggrieved, he is at liberty to approach this Tribunal again.

With the above observations and directions, the original application is disposed of.  
No costs.

30-7-01  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.