

DI. 25.5.2001


Shri S.B. Jena, learned  
Asc for respondents files  
one Mize. Application and  
prays for four weeks time  
to file counter on the  
grounds stated therein.  
Heard. Time granted till  
29.6.2001 for counter.

  
25/5/2001  
REGISTRAR

Counter not  
filed.  
For further  
orders.  
Papa  
28/6  
Registrar

29-6-2001

Sh. S.B. Jena, learned Asc files  
one MA & prays for four weeks  
time to file counter. Heard.  
Prayer allowed as last chance  
to file counter by 23.7.2001

  
29/6/2001

REGISTRAR

Counter not  
filed.  
For further  
orders.  
On memo.

Papa  
10/7

Bench

04. 20.09.01

Pleadings are complete.  
Adjourned to for  
hearing and final disposal at  
the stage of admission.  
Adjourned to 05.12.01.

  
Vice-Chairman,  
20/9.

Member (J).

05. 5.12.01

As it appears from the recordal  
counter and rejoinder have already been  
filed by the respective parties. Pleadings  
are, therefore, complete. Call on  
7.12.01 for final disposal at the  
admission stage.

  
Member (J)

06. ORDER DATED 7-12-2001.

Applicant is the son of late Mukunda  
Nayak, who was working as Mail Peon in the  
Office of the Superintendent of Post Offices,  
Guna, Madhyapradesh, has filed the present  
Original Application for a direction to the  
Respondent No.2 to consider his grievance  
relating to compassionate appointment and also  
in this Original Application he has challenged  
the order dated 4.9.2000 under Annexure-10.  
The order of rejection clearly envisages  
that the case of applicant for compassionate  
appointment was not considered in view of the  
fact that they have received the retiral  
benefits of his late father and hence the  
applicant is not entitled to be considered

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of the order dt-11-7-01 given to the both counsel.

Pabu  
13/7

~~Pabu~~  
13/7  
S-0

Counter may  
be filed.

Pabu  
24/7

Registrar

25-7-2001

M. SJB Jena, Ld Asc files one MA and pass for 6 weeks time to file counter on the grounds stated therein. Head.

Since last chance is already availed by him, no further time can be granted and hence the MA is rejected.

Put up before the Bench for further order.

~~M~~  
25/7/2001  
REGISTRAR

Counter filed  
7 copy served  
For further  
Orders.

Pabu  
20/8

Bench

for compassionate appointment in view of his financial position after receipt of the retiral benefits. Shri Jena, Learned ASC for the Respondent has submitted that this Bench has no jurisdiction since by the time of the death of late father of applicant, he was working there at Madhyapradesh. However, during the course of hearing Shri P.K. Patnaik, learned Counsel for the applicant submitted that he wants to file a detailed representation for consideration of his case by the authorities afresh in accordance with law. Mr. Jena, learned counsel for the Respondents has no objection if such a direction is issued directing the Respondents for consideration of his case afresh in accordance with law.

Heard learned counsel for parties. In view of the specific submissions made by Learned Counsel for both sides, at this stage without expressing any opinion on the merits of this case, the applicant is permitted to make a representation highlighting all his grievances within a period of two weeks from today and in case such a representation is filed, Respondents are directed to consider the said representation of the Applicant and dispose of the same in accordance with law within a period of three months thereafter by a reasoned and speaking order and communicate the same to the applicant. However, in view of the settled principles of law it is made clear that while considering the representations of the applicant for compassionate appointment, the Respondents should not take into consideration the retiral benefits of late

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Pleading completed  
For further orders.  
Pabu  
19/12 Bench

For admission.  
Pabu  
4/12 Bench

For admission.  
Pabu  
6/12 Bench


Free copy of  
the order dt. 7-12-01  
given to the both  
counsel.

Pabu  
12/12

Prepar  
12.12.01  
S.O

father of applicant which were received by the family of the deceased after his death, since those benefits were given to the family for the services rendered by the deceased employee and as such those are not to be counted towards the consideration of the indigent condition of the family for providing compassionate appointment.

With the above observations and directions, the Original Application is disposed of. No costs.

  
(NITYANANDA PRUSTY)  
MEMBER (JUDICIAL)

KNM/CM.