

Dt. 25.5.2001

Shri S.B. Jena, learned ASC for respondent filed one M.P. 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
Fatta 28/6

29-6-2001

Sh. S.B. Jena, learned ASC files one M.P. for few 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.
Fatta 16/7

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 record 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, Madhya Pradesh, 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 dtt-11-7-01
given to the
both counsel.

Rabin
13/7

~~RECD~~
S.O

counter not
filed.

Rabin Reptd
24/7

25-7-2001
Mr. JIB Jena, LD ASC files
one MA and pray for 6 weeks
time to file counter on the
Grounds stated therein. Hon.
Court since last chance is already
availed by him, no further
time can be granted and
hence the MA is rejected.
Bench for further orders
put up before the
Bench for further orders

ML
25/7/2001
REGISTRAR

counter filed

& copy served
for further
orders.

Rabin
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.
Patra 19/12 Bench

For Admision
Bench
Patra 21/12

For Admision
Patra Bench
6/12

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

Patra 12/12
Free copy
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.