

Order dated 29.06.2004

Heard Shri B.R.Sarangi, learned counsel for the applicant and Shri S.Behera, learned ~~Advocate~~ Standing Counsel appearing on behalf of the Respondents and perused the materials placed on record.

Applicant's father, Sridhar Behera, was working as Computer in the Census organisation in Orissa. He died prematurely on 3.11.1999 and in the said premises, the applicant, Jayanta Behera represented on 15.3.2000 to the authorities in the Census organisation seeking an employment on compassionate ground. The grievance of the applicant Shri J.Behera (a Graduate with Computer knowledge) is that his case could not be considered locally and in the said premises, his case (along with the cases of nine others) were forwarded to the Registrar General of India under Annexure-R/2 dated 10.5.2001. While transmitting the case of the applicant to the Registrar General of India, it has been pointed out that the applicant is not fulfilling the conditions of qualification as prescribed under the Recruitment Rules that was notified on 22.12.2000. Since the applicant's father died long before on 3.11.1999 and since the applicant submitted his application for a compassionate appointment on 15.3.2000 (i.e., long before the amendment/modification of the recruitment rules on 22.12.2000) the rigour of the amended rules cannot be applied to the case of the applicant with a view to providing him an appointment on compassionate ground. This view is expressed basing on the judgment of the Hon'ble Supreme Court in the cases of Y.V.Rangaiah & Ors. v.V.J.Srinivasa

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Rao and Others (AIR 1983 SC 852) and P. Mahendran & Drs. vs. State of Karnataka and Ors. (AIR 1990 SC 405). The said view was also expressed by the Hon'ble High Court of Orissa in the case of Gayadhar Sahoo vs. State of Orissa (O.J.C. No. 811/1990) decided on 26.4.1991. In view of the above, there is no impediment to provide compassionate appointment to the applicant.

For the reasons discussed above, the Respondents are hereby directed to give due consideration to the grievance of the applicant within a period of 90 days from the date of receipt of this order in order to give necessary relief to the applicant under the rules governing the field.

The O.A. is disposed of as above. No costs.

MEMBER (JUDICIAL)

29/06/04