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O.A. No. 655 OF 2005.

Order dated: 24-05-2006.

Praying for direction to the Respondents to provide employment on compassionate ground the Applicant moved this Tribunal in the present Original Application which was heard and disposed of on 05-08-2005 with the following directions:

“The very aim of providing employment assistance to a family member of a deceased Government servant is to redeem the family from the distress/indigent condition caused due to sudden demise of the immediate bread earner of the family. Law is also well settled that in the matter of consideration for providing employment assistance to a deceased family member, there should not be any delay. It is the specific case of the Applicant that the family members of the deceased Government servant are still continuing in indigent/distress condition. In this view of the matter, having heard the learned counsel for both parties, as noted earlier, since already there is a recommendation in favour of the Applicant by the local office stationed at Bhubaneswar, on the representation of the Applicant and his widow mother, and as reported, no decision has yet been taken on the same by the Head Office stationed at New Delhi, this Original Application is disposed of at this stage of admission with a

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direction to the Respondents to consider the grievance of the Applicant (pertaining to his claim for employment on compassionate ground) within a period of 60 (sixty) days from the date of receipt of a copy of this order. There shall be no order as to costs”.

Vide order dated 5<sup>th</sup> October, 2005, on consideration of the grievance of the Applicant, the Respondents passed the following orders:-

“With reference to his representation dated 16-08-2005 regarding compassionate appointment, Shri Ashok Kumar Das is hereby informed that as per the order of the Hon’ble CAT, Cuttack Bench, Cuttack dated 5-8-2005 in O.A. No. 655/2005 his request for compassionate appointment has been carefully considered by the competent authority in the light of existing Govt. instructions. As per Department of Personnel and training O.M. No. 14014/6/94-Estt.(D) dated 09-10-1985 5% of total vacancies occurred in Group C and D category posts meant for direct recruitment in a Recruitment year can be filled up by compassionate appointment. On the basis of the order dated 84.2004 passed by the Hon’ble CAT in OA No. 1463/2003, one Miss. Kalyani Mohanty has already been appointed on compassionate ground. Due to non availability of sufficient number of vacancies in Group C & D category in the current Recruitment year, the case of Shri Ashok Kumar Das could not be considered during the current year. His case can be considered if sufficient number of vacancies in group C

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and D category meant for direct recruitment become available during the next year".

(emphasis supplied)

By filing the present Miscellaneous Application No. 47 of 2006, the Applicant has sought for a direction to the Respondents to consider the case of the Applicant for appointment on compassionate ground in any of the Census Organization situated in any part of the country commensurate with his educational qualification.

Heard Mr. Dilip Kumar Mohanty, learned counsel appearing for the Applicant and Mr. U.B. Mohapatra, Learned Senior Standing Counsel appearing for the Respondents and perused the records.

It has been submitted by the learned counsel appearing for the Applicant that as the family of the deceased Government servant are in great financial hardship/ distress condition, the Applicant has no objection to take up employment, if offered, in any corner of the Census Organization. Mr. U.B. Mohapatra, learned Senior Standing Counsel appearing for the Respondents has no objection to the said prayer of the

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Applicant. However, It is seen that the Applicant has not made any such grievance before his authorities. It is not for this Tribunal to find out the vacancy and appoint the Applicant. It is for the competent authority to do the needful in order to remove the distress condition of the deceased family. Respondents have made it clear in the order under Annexure-A/3 that due to non-availability of vacancy they are not in a position to<sup>R</sup> appoint the Applicant. Had there any vacancy in the local office, he would have been appointed. In the said view of the matter, we leave the matter to the Respondent No.1 to consider the grievance of the Applicant as made by him in this Misc. Case and pass appropriate orders within a period of 60 days from the date of receipt of a copy of this order. M.A. No. 47 of 2006 is accordingly disposed of.

Send copies of this order along with Copies of the M.A. to the Respondents and free copies of this Order be given to learned counsel appearing for both sides. Mr. Mohanty, learned counsel appearing for the

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Applicant undertakes to file the adequate number of  
copies of the M.A. to be sent to the Respondents by  
26.05.2006.

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MEMBER(ADMN.)

