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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.719 OF 2006
CUTTACK, this the 30th day of October, 2007

Smt.Chaturi Naik & another Applicant

-Versus-

Union of India & others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.


(M.R. MOHANTY)
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO.719 OF 2006
(CUTTACK, this the 30th of OCTOBER, 2007)**

CORAM:

HON'BLE SHRI M.R. MOHANTY, VICE-CHAIRMAN

1. Smt. Chaturi Naik, aged about 52 years, Wife of Late Kishore Naik.
2. Shri Prakash Naik, aged about 29 years, Son of Late Kishore Naik, Village/Post: Kandarsihan, PS:Parjang, dist.Dhenkanal, at present C/o. Shir Abani Baral, Munda Sahi, Chudakhia Market, ARC, Charbatia, dist.Cuttack - 754028.

.....Applicants

Advocate for the Applicant Mr. Dillip Kumar Mohanty.

Versus:

1. Union of India, represented through its Cabinet Secretary to Government of India, Cabinet Secretariat, East Block-5, R.K.Puram, New Delhi - 110066.
2. Director, Aviation Research Center, ARC Headquarters, Directorate General of Security (Cabinet Secretariat), Block V (East) R.K.Puram, New Delhi-110 066.
3. The Deputy Director of Aviation Research Centre, Charbatia, Chowdwar, Dist-Cuttack.
4. The Assistant Director(A), ARC, Government of India, At/Po: Charbatia, Chowdwar, District-Cuttack.

..... Respondents

Advocate for the Respondents Mr.U.B.Mohapatra.

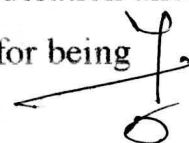
O.A.NO.719 OF 2006

(ORAL ORDER) DATED 30.10.07

Kishore Naik died prematurely, while serving in ARC/Charbatia. Thereafter, his family prayed for an employment on compassionate ground. Having not received an employment, on compassionate ground, his widow (Applicant No.1) and son (Applicant No.2) have filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.

2. It appears from the counter filed by the Respondents that the case of the Applicant received consideration on two occasions. It appears from Annexure-R/1 (Minutes of the proceedings of the Selection Committee met on 31.03.05) that two persons (Trilochan Jena & Ram Das) were selected for being provided with an employment on compassionate ground. The minutes of the said proceedings also goes to show that the name of the Applicant was kept in the "stand by" list at serial No.1 for being provided with an employment on compassionate ground. This document under Annexure-R/1 goes to show that the cases of Trilochan Jena and Ram Das were more deserving than the case of the Applicant.

3. Document at Annexure-II at page-24 of the said counter goes to show that there were another meeting of the Selection Committee held on 01.08.2006; in which the case of the Applicant also received consideration and in the said selection one Purna Chandra Swain was recommended for being



provided with an employment as peon on compassionate ground. In the said meeting one Umesh Chandra Moharana was kept in the wait list. On analysis of the materials placed on record, it cannot be said that the cases of Purna Chandra Swain and U.C.Moharana, who were recommended in the meeting dated 01.08.2006, were not more deserving than the case of the Applicant.

4. Under the instructions of the Government of India (in OM dated 09.10.1998 of DOPT), since the case of the Applicant is also a deserving one (for providing an employment on compassionate ground), the Respondents Department ought to have circulated the matter/approached other departments for providing an employment, on compassionate ground, to the Applicant. That having not yet been done, the Respondent department should explore the possibilities of identifying an employment for the Applicant in another department of the Govt. of India as expeditiously as possible. The case of the Applicant, which is a deserving one, ought to have received further consideration (on the third occasion) and, as it appears, the case of the Applicant has not received further consideration for the third time.

5. In the aforesaid premises, this matter is remitted back to the Respondents for a reconsideration of the case of the Applicant and, if required, in consultation with other departments of Government of India. With these observations and directions, this Original Application stands disposed of.

VICE-CHAIRMAN