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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

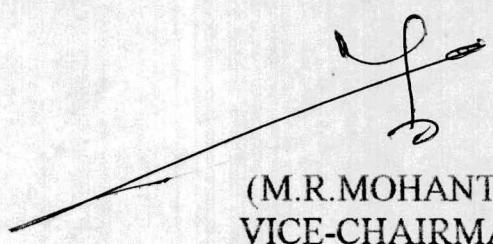
ORIGINAL APPLICATION NO.720 OF 2006
CUTTACK, this the 31st day of October, 2007

Smt.Sulochana Dash & another Applicants
-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

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CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.720 OF 2006
(CUTTACK, this the 31st of OCTOBER,2007)

CORAM:

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

1. Smt. Sulochana Dash, aged about 52 years, Wife of Late Bharat Ch. Dash.
2. Shri Bhakta Charan Dash, aged about 25 years, Son of Late Bharat Ch. Dash, Village: Ambapada, Post: Karamul, PS: Gondia, Dist. Dhenkanal

.....Applicants

Advocate for the ApplicantsMr. 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, At/Po: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.



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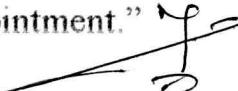
O.A.NO.720 OF 2006

(ORAL ORDER) DATED 31.10.07

Bharat Ch.Dash died prematurely, while serving in ARC, Charbatia. Thereafter, his family prayed for an employment on compassionate ground. The said prayer having turned down by the Respondents under Annexure-A/3 dated 06.05.05, 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. The ~~text~~ of the rejection order under Annexure-A/3 dated 06.05.05 reads as under:

“Please refer to your application dated 27.7.04 addressed to Spl.Secy., ARC, regarding employment in ARC on compassionate ground.

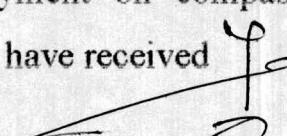
2. In this connection, it is to informed that your case has been examined for compassionate appointment and was put up before the Compassionate Appointment Committee on 31.3.05 along with 39 other who are dependants of deceased Govt. servants of this department. Having regard to the Govt. instructions on the subject after taking into consideration, the liabilities/assets/number of dependents etc. and Committee could not find your case more deserving than those two cases recommended for compassionate appointment. As per Govt. guidelines, only 5% of the vacancy in Group ‘C’ and ‘D’ post against direct recruitment quota are allotted for compassionate appointment.” 

3. Thus the case of the Applicants was turned down on the ground that more deserving persons were provided compassionate employment against the direct recruitment vacancies meant for compassionate appointment. Challenging the aforesaid rejection order, Applicant has filed the present Original Application.

4. Heard Mr.D.K.Mohanty,Ld.Counsel appearing for the Applicant and Mr.U.B.Mohapatra, Ld.SSC for the Union of India and perused the materials placed on record.

5. In order to substantiate their case, the Respondents have filed their reply. Annexure-R-1 to the reply filed by the Respondents goes to show that Shri Trilochan Jena S/O.Late J.N.Jena and Shri Ram Das S/O.Late Rati Ram were recommended to get employment on compassionate appointment quota and Prakash Saikia S/O.Late Rameshwar Saikia and P.K.Naik S/O.Late Kishore Naik were kept in the waiting list. The said document containing comparative chart between the claimants of the compassionate employment goes to show that the case of the aforesaid four persons were really more deserving than the case of the present Applicant. Thus it cannot be said that there were any miscarriage of justice in the decision making process in which the Applicant could not be recommended for an employment on compassionate ground.

6. Under the scheme for providing employment on compassionate ground, the case of the Applicant, however, ought to have received



consideration on two more occasions. It appears the case of the Applicant has not received consideration on two more occasions.

7. In the aforesaid premises, this matter is remitted back to the Respondents for giving consideration to the case of the Applicant on two more occasions. With the aforesaid observations and directions, this Original Application is disposed of.



VICE-CHAIRMAN