

7
OA No.119 of 2008

Banani Das Applicant

Versus

Union of India & Others Respondents

Order dated: 10 /02 /2010

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Alleging non-consideration for providing appointment on compassionate ground after the death of the father of the applicant, Sachidananda Das, on 13.01.2003, while working as Senior Tax Assistant in the Income Tax Department, this Original application has been filed by the Applicant seeking direction to the Respondents to provide her appointment befitting her qualification on compassionate ground.

2. Besides, refuting the stand of the applicant for non-consideration, it has been stated by the Respondents in their counter that the case of the applicant along with other aspirant candidates who had applied for appointment on compassionate ground were placed before the committee constituted for recommending the cases for appointment on compassionate ground. The committee recommended the names of four persons against the year wise vacancies in which the name of Applicant did not find place as the claims of persons selected for the year 2002-03 & 2003-04 were much prior to the applicant. The qualification

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of applicant is HSC. The essential qualification for the Group C post is Degree of a recognized university or equivalent and having data entry speed of 8000 key depression per hour. As her candidature was considered for Group D post only. During the period of four years two vacancies from Gr.C and two from Gr.D were available for appointment under 5% posts of compassionate quota. During the four years commencing from 2002-03 to 2005-06 there were four vacancies two each in Gr.C and Gr.D. The committee constituted for the purpose selected four candidates two for Gr.C and two from Gr.D suitable and eligible for appointment considering their need and economic status in comparison with other candidates. Sarojini Acharya was selected against the Gr. C vacancy as the applicant was not eligible to hold the said post. Accordingly, Respondents prayed for dismissal of this OA.

3. Applicant filed rejoinder more or less reiterating the stand taken in her OA.

4. Heard Learned Counsel for both sides and perused the materials placed on record including the minutes of the Committee containing the list of candidates considered for providing appointment on compassionate ground. But I see no injustice or miscarriage of justice caused in the decision making process of recommending the names of others by the Committee against the vacancies than the name of applicant as, it is seen that their liability

9

is greater than the present applicant. But at the same time, I do not see any justification for closing the case of the applicant by giving consideration only once as against the vacancies which arose during the above years rather than considering the case of the applicant on two more occasions as provided in the DOP&T instruction dated 5.5.2003. Since there has been no substantial compliance of the instruction of the DOP&T instruction dated 5.5.2003, the Respondents are hereby directed to consider the case of the applicant for two more occasions and communicate the result of such consideration to the applicant at an early date.

5. In the result, this OA stands disposed of in terms indicated above. No costs.


(C.R. Mohapatra)
Member (Admn.)