

3

O.A. No. 235 of 2008

Order dated: 20.11.2008

CORAM:

Hon'ble Mr. A. K. Gaur, Member(J)

Hon'ble Mr. C.R.Mohapatra, Member (A)

We have heard Mr. D.R.Patnaik, Ld. Counsel for the applicant and Mr. S. Mishra, Ld. Addl. Standing Counsel for the Respondents.

2. The applicant has filed this O.A. seeking compassionate appointment. The applicant had earlier filed O.A. with the prayer to consider the case of the applicant for appointment on compassionate ground, which was disposed of by this Tribunal directing the Respondents to consider the case of the applicant. After considering the case of the applicant, same was rejected vide order dated 19/31.03.2008, Annexure-A/9.

3. Ld. Counsel for the applicant vehemently urged that there is ^{as per} ~~warranted by this Tribunal~~ serious violation of the order and principles of Article 14 and 16 have been violated in as much as that one Sebati Pradhan, the widow of late Basant Kumar Pradhan filed an O.A. for appointment of her son on compassionate ground ~~in~~ similar and identical situation and her application for appointment on compassionate ground was allowed on the ground that the physical condition of the family was not very sound. He submitted that this Tribunal in its earlier order directed the Respondents to consider the same and also directed the Respondents by a positive order in para-6(b) that "in any event attempt should be made to write to related Ministry/Departments to ascertain availability of vacancies

✓

under compassionate appointment scheme. If so the case of the applicant also be sent for consideration, if such a provision is extant".

4. In the impugned order, passed by the competent authority, both these requirements are lacking. We, accordingly, quash the order dated 19/31.03.2008 under Annexure-A/9 and remit the matter back to the competent authority, who will ^{re}consider the matter in the light of the earlier judgment passed by this Tribunal.

5. With the aforesaid observation, the O.A. is disposed of.


MEMBER (A)


MEMBER (J)