

Ashok Kumar Badatya Applicant
Versus
UOI & Ors. Respondents

1. Order dated 19th August, 2009.

C O R A M

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

It is not in dispute that the father of the Applicant was a regular employee working as Cook under the Regional Leprosy Training and Research Institute, Aska. It is also not in dispute that while he was working as such, expired prematurely on 1.10.2000. Applicant made representation seeking employment on compassionate ground. The fact of the matter is that the Applicant was engaged as a Cook in RLTRI, Aska on daily wage basis. However, his request for providing employment having been rejected under Annexure-A/12 & A/13 he has approached this Tribunal seeking quashing of the aforesaid letters of rejection under Annexure-A/12 & A/13 with further direction to the Respondents to provide him employment on compassionate ground. By filing counter the Respondents have brought to the notice of this Tribunal that since the post of Cook was vacant for more than one year, the matter was sent for approval to the Ministry of Health and Family Welfare and Ministry of Finance (Expenditure). But the Ministry of Finance did not agree for revival of the post of Cook at Aska. Again the case of the Applicant for employment on compassionate ground in the post of Ward Attendant was forwarded to the Competent authority. As meanwhile there was a policy decision to close

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down RLTRI, Aska and to hand over the unit to the State Government in such circumstances the approval of the applicant's case for giving him appointment on compassionate ground against the post of Ward Attendant could not become feasible. On the above ground, they opposed the stand of the Applicant and prayed for dismissal of this OA.

2. Heard the parties at length and perused the materials placed on record. Neither in the counter nor in course of the hearing I could find any significant clue that the RLTRI Aska has already been closed. It has merely been stated in the counter that decision has been taken to close down. As per the extant guidelines, the Applicant has a right to be considered for appointment on compassionate ground after the death of his father. He has been entrusted with work on daily wage basis. There are also instructions that in case post is not available in the present department cases of compassionate appointment need to be taken with other Ministry. It is the case of the Respondents that the post of Cook was abolished and, therefore the case of applicant was taken up for appointment against the post of Ward Attendant. This prayer of the applicant has been kept pending on the ground of the decision to close down the RLTRI though it has not yet been done. It is also seen that the grounds taken in the counter were not the grounds taken while denying the appointment to the applicant on compassionate ground in Annexure-A/12 & A/13. In short the orders of rejection under Annexure-A/12 & A/13 suffer from the vice of

(Signature)

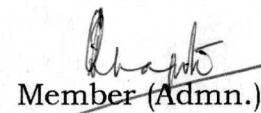
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principle of natural justice in as much as no reasons have been adduced for the rejection ~~and~~ of compassionate appointment.

3. In the circumstances, there is no impediment to quash the order under Annexure-A/12 & A/13 and the same is quashed with the following directions:

- (a) In case the RLTRI, Aska has not been closed down till date, the case of the Applicant shall be considered for providing appointment on compassionate ground against the post of Ward Attendant;
- (b) If it is closed down, then the Respondents should make all efforts to consider the case of Applicant against the vacancy lying in any other department under the Ministry of Health and Family Welfare or in the department where other employees of the RLTRI Aska were adjusted after its closure;
- (c) The entire exercise shall be completed within a period of sixty days from the date of receipt of this order.

4. With the above observation and direction this OA stands allowed to the extent stated above. No costs,


Member (Admn.)