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O.A. No. 429 of 2008

Order dated: 17.03.2010

CORAM:

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicant and Mr. B.Dash, Ld. Additional Standing Counsel for the Respondents.

2. The applicant has filed this O.A. seeking a direction to the Respondents to give him compassionate appointment. Applicant had approached this Tribunal earlier in O.A. No. 124/05 with the same prayer, which was disposed of by this Tribunal on 25.09.2006 with the following directions:

“The matter is remitted back to the Respondents to reconsider the grievance of the applicant taking into consideration all the materials placed by him. The applicant is also given liberty to place any other additional material in support of his claim that the family is still in penury and his brother is separated from his family. While considering the grievance of the applicant the decisions rendered by the Hon'ble High Court in the case of Purna Chandra Swain (supra) may be kept in view.”

3. After reconsidering the case of the applicant, the Respondents have issued Annexure-A/7 letter dated

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13.02.2007 rejecting the claim of the applicant for compassionate appointment. It is stated in the letter that the applicant has not submitted any other additional material in support of his claim.

4. However, the Ld. Counsel for the applicant contends that no opportunity was made available to him to enable him to submit the additional documents before the authorities and, hence, the CRC did not have the complete set of documents for considering the case of the applicant in terms of the Tribunal's order.

5. Mr. B.Dash, Ld. Counsel for the Respondents submits that it was incumbent on the applicant to have submitted the relevant documents but he failed to do so. Hence, the order under Annexure-A/7 was passed by Respondent No.2 taking into account the available materials before the Circle Relaxation Committee.

6. Having heard the Ld. Counsel for the parties, perused the materials placed on record. It is a fact that while reconsidering the matter of compassionate appointment of the applicant, the CRC had no additional documents other than what was already available with the Department. It is also a fact that no opportunity was given to the applicant to

place any additional documents as directed by this Tribunal vide its order dated 25.09.2006 in O.A. No. 124/05. Hence, to give appropriate consideration to the case of the applicant by the Circle Relaxation Committee, the applicant may be given an opportunity even at this stage to place all the relevant materials/documents before the Respondent No.4, who will take further follow up action for reconsideration of the case by the concerned authorities.

7. In view of the above, it is ordered that the applicant may submit the additional documents, which are relevant to his case, within a period of two months before Respondent No.4, and if the same time schedule is adhered to by the applicant, the Respondents shall take follow up action and reconsider the case of the applicant in the next available CRC meeting and communicate the decision to the applicant within a period of one month after the meeting of the CRC.

8. With the above observation and direction, the O.A. is disposed of. No costs.

MEMBER (A)