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O.A. No. 467/08

ORDER DATED 26th NOVEMBER, 2008

Coram:

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

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

Heard Mr. R.C. Rath, Ld. Counsel for the applicant and
Mr. D.K. Behera, Ld. Counsel for the Respondents.

2. This Original Application has been filed by the applicant challenging the inaction of the Respondents in giving him employment assistance on compassionate ground.

3. Mr. Rath, Ld. Counsel for the applicant, submitted that on 28.12.1995 the father of the applicant died in harness while continuing in service. On 03.05.1997 the mother of the applicant filed an application for providing employment assistance in favour of the applicant on compassionate ground, which was rejected by the authority on the ground that the applicant was minor at that time. On 06.09.2000 the applicant filed an application for appointment on compassionate ground annexing certain documents (Annexure-1 series), which was also rejected by the competent authority on 13.12.2001 (Annexure-2) on the ground that the mother of the applicant was getting family pension and terminal benefit of Rs.2 lakhs, and this was not a case of indigence. The mother of the applicant again filed a representation on 17.03.06 (Annexure-4) for

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fresh consideration taking into distress situation of the family. Vide order dated 19/27.12.06 (Annexure-6) the case of the applicant was again rejected by Respondent No.2 on the ground that there was no vacancy. Ld. Counsel for the applicant vehemently urged that the Respondents have rejected the case of the applicant for want of vacancy on 02 occasions and as such his case may be directed to be reconsidered by the competent authority with a reasoned and speaking order within a stipulated time.

4. Having heard the Ld. Counsel for the parties and having carefully perused the records, we are fully satisfied that in view of the decision of the Hon'ble Supreme Court reported in (2005) 7 SCC 206 Commissioner of Public Instructions & Others Vrs. V.K.R. Viswanath that once it is proved that in spite of the death of the breadwinner the family survived, no compassionate appointment will be ordered on compassionate ground. Apart from this ground, there ^{is} ~~appears~~ an inordinate delay in the matter.

5. With the above observation, this Original Application is dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K. GAUR)
JUDICIAL MEMBER