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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 511 OF 2008
CUTTACK, THIS THE ~~29th~~ DAY OF January, 2009


Sri Pradeep Kumar Dash..... Applicant

Vs

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal of not ?


(C.R. Mohapatra)
MEMBER (A)


(K. Thankappan)
MEMBER (J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
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ORIGINAL APPLICATION NO. 511 OF 2008
CUTTACK, THIS THE 29th DAY OF January, 2009

CORAM :

HON'BLE Mr. JUSTICE K.THANKAPPAN, MEMBER(J)
HON'BLE Mr. C.R.MOHAPATRA, MEMBER(A)
.....

Pradeep Kumar Dash, aged about 38 years, son of Bhaskar Dash, At:-
Marutivilla, P.O. Magnetix Road, Bhubaneswar, Dist. Khurda.

.....Applicant

Advocate(s) for the Applicant- M/s. H.N.Mohapatra, A. Samantray

VERSUS

1. Union of India represented through its Secretary, Telecommunication, B.S.N.L. Headquarters, Sanchar Bhawan, New Delhi .
2. Chief General Manager, Telecom, Orissa Circle, Bharat Sanchar Nigam Ltd., Bhubaneswar, Dist. Khurda.
3. Asst. Director, Telecom (H.R.D.) C/o Chief General Manger, Telecom, Orissa Circle, Bharat Sanchar Nigam Limited, Bhubaneswar, Dist. Khurda.
4. Telecom District Manager, Bhubaneswar Telecom District, At/P.O. Bhubaneswar, Dist. Khurda.

..... Respondents

Advocates for the Respondents – Mr. S.B.Jena
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ORDER

MR. JUSTICE K.THANKAPPAN, MEMBER(J):-

The applicant is the son of a medically decategorized Telecom employee. This is the second round of litigation by the applicant for getting appointment under the Compassionate Appointment Scheme of the Department. The applicant by filing O.A. 15/02 has got an order for consideration of his case for compassionate appointment against a suitable vacancy commensurate with his educational qualification as per the order dated 08.08.2002. However, in compliance to the above order, the Respondents passed Annexure-A/12 order rejecting the claim of the applicant, which is under challenge in the present O.A.

2. Considered the claim of the applicant and perused all the records produced along with the application and also the earlier order passed by this Tribunal. The claim of the applicant is that his father, one Late Bhaskar Das, while working as Sr. Telephone Supervisor was ordered to be medically invalidated on 29.03.1994 afternoon. Subsequently, the father of the applicant himself had filed certain applications for getting compassionate appointment in favour of his son, the present applicant, with a further representation to the Hon'ble Minister for Communication, Govt. of India during 1999.


GA

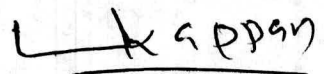
However, since the claim of the father of the applicant and the applicant has not been allowed, they approached this Tribunal by filing O.A. 15/02. This Tribunal considered the case and directed the Respondents to consider the claim of the applicant for compassionate appointment. Thereafter, the reports were received from the sub-ordinate authorities that the matter was placed before the high power committee and the higher power committee found that though the applicant's father was invalidated during 1994 but the benefit of compassionate appointment scheme can be given to the son/daughter/near relative of deceased Govt. employee only in exceptional cases. The high power committee finds that family income of the applicant is high and the family is not suffering from any indigency so as to consider the claim of the applicant for compassionate appointment. To come to this conclusion, the high power committee considered certain facts such as number of the family member, the date of invalidation of the father of the applicant, the income of the family of the applicant, the landed property owned by the family of the applicant and such other things and held that the family is getting family pension payable under rules and the applicant is quite grown up for self sustain and from the date of invalidation of the father of the applicant, the family is maintained well for the last 12 years and hence the family is not



living in indigent condition and, thereby, the high power committee rejected the claim of the applicant.

3. In the above background, we have considered every aspect of the case and we ~~are~~ fully agree with the finding incurred by the high power committee. We are of the view that the judicial pronouncements governed by the Hon'ble Supreme Court and various High Courts are to the effect that the compassionate appointment scheme promulgated by the Government is for immediate recouping of the indigent family due to the death of a Govt. employee or in invalidation of a Govt. employee. In this case, the father of the applicant was ordered to be invalidated on 29.03.1994 and, through out this period, his family is getting family pension as per the rules and there is no circumstances to hold that the applicant is entitled to the benefit of extended meaning of compassionate appointment scheme. Hence, we are of the view that the O.A. is devoid of any merit and it stands dismissed accordingly.


(C.R. MOHAPATRA)
MEMBER (ADMN.)


(K. THANKAPPAN)
MEMBER (JUDL.)