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O.A. No.514/08
ORDER DATED 30th DECEMBER, 2008

Coram:

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

Heard Mr. D.K. Mohanty, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Addl. Standing Counsel for the Respondents.

2. M.A. No.754/2008 for prosecuting this case jointly is allowed.

3. Mr. D.K. Mohanty, Ld. Counsel for the applicant submits that the case for compassionate appointment of the applicant has been rejected twice in the past in spite of the order of this Tribunal dt. 30.10.07. He invites attention to Paragraph 4 & 5 of this order wherein the Respondents were directed to reconsider the case of the applicant. Having reconsidered, the Respondents have rejected the prayer of the applicant vide Annexure-A/3. Mr. Mohanty submits that under the extant instruction the applicant is entitled for consideration thrice for the purpose of getting compassionate appointment. So his case deserves to be considered again by the competent authority. He also submits that the Respondents have not acted on the observations of this Tribunal made vide Paragraph 4 of the order of this Tribunal dated 30.10.07.

4. Mr. S. Barik, Ld. Addl. Standing Counsel for the Respondents submits that he has received a copy of the O.A

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but he would require time for obtaining instruction in this matter. He has no dispute regarding policy of the Govt. of India (in OM dt.09.10.1998 of DOP&T) but the facts of the applicant needs to be ascertained from the concerned authorities.

5. In view of the above and the averments in the O.A. the Respondents are directed to consider the case of the applicant afresh interms of the instruction of DOP&T for considering him for the 3rd time as also interms of the observations made vide Paragraph 4 of this Tribunal's order dt. 30.10.07 notwithstanding the order under Annexure-A/3. While reconsidering the matter the averments made in this Original Application may also be taken into account.

6. With the above observation and direction, this Original Application is disposed of at the admission stage itself.

Copy of this order along with copy of the O.A be sent to Respondents.


Member(A)