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O.A. No.92/2008

ORDER DATED 21st JULY, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Bijaya Kumar Acharya..... Applicant.

V.

Union of India & Ors. Respondents.

Aggrieved by the order of Respondent No.2 dated 07.12.2006 (Annexure-A/2) this Original Application has been filed by the applicant with the following prayer:-

"(i) To quash the order of rejection dated 07.12.2006 under Annexure-A/2;
(ii) To direct the Respondents to reconsider and provide appointment to the applicant on compassionate ground;
(ii) To pass any other order/orders, as deemed fit and proper."

2. The only question raised in this O.A. is the non-recommendation of the name of the applicant for compassionate appointment on the ground that the applicant's family is in less indigent condition in comparison to the other candidates who were given appointment.

3. Heard Sri D.P. Dhalsamant, Ld. Counsel for the applicant, Sri P.R.J. Dash, Ld. Counsel for the Respondents and perused the records placed before this Tribunal.

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4. The Ld. Counsel for the applicant contended that the father of the applicant retired voluntarily on 30.06.01, the benefit of compassionate appointment scheme is applicable to the applicant and the applicant has already submitted all the relevant documents to the Respondents for consideration for appointment under Compassionate Appointment Scheme. However, as per the decision now arrived at on the basis of the recommendation of the CRC two other persons were given appointment, but the case of the applicant has not been considered. The Ld. Counsel for the applicant submitted that as per the Office Memorandum issued by the DOP&T O.M. No.14014/19/2002-Estt.(D) dated 05.05.2003 application for compassionate appointment of eligible candidates should be considered at least three times on the basis of the vacancy available for reserved for compassionate appointment quota of 5%. However, the Counsel submitted that the case of the applicant has been considered only twice, lastly by order dated 07.12.06 (Annexure-A/2). Hence, the applicant is entitled to be considered once again or he shall be given one more chance to get an appointment under compassionate appointment scheme. The Ld. Counsel for the applicant submitted that the application of the applicant may also be considered in any other Group 'D' post along with the post of Postal Assistant and Post Master.

5. Ld. Counsel for the Respondents submitted that on considering the entire applications on merit as well as on the



basis of the income of the family of the applicant, the applicant was found less meritorious than other two candidates who were given appointment. Further, Ld. Counsel submitted that his case was not finally decided and his case will be decided in the next CRC meeting, in the light of the Office Memorandum issued by the DOP&T. Hence at this stage nothing remains to be considered by the Tribunal in this O.A.

6. On considering the facts now placed before this Tribunal and the documents produced, this Tribunal is of the view that as per the direction contained in DOP&T O.M. No.14014/19/2002-Estt.(D) dated 05.05.2003 the application for compassionate appointment shall be considered at least for three years, and this case shall be kept in waiting list for consideration in three consecutive recruitment years. If so, this Tribunal is of the view that this O.A. can be allowed by directing the Respondents to reconsider the application of the applicant in the light of the DOP&T O.M. No.14014/19/2002-Estt.(D) dated 05.05.2003 and to give a reasoned order to the applicant within a reasonable time, at any rate within 60 (sixty) days of the receipt of the copy of this order.

7. With the above observation and direction this O.A. is disposed of. No costs.

K. Thankappan
(K. THANKAPPAN)
JUDICIAL MEMBER