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O.A. No. 408 of 2010

Lily Grace KandulnaApplicant

Vs

Union of India & Ors.....Respondents

Order dated: 12.05.2011

CORAM:

Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. B.S.Tripathy, Ld. Counsel for the applicant and Mr. D.K.Bhera, Ld. Additional Standing Counsel appearing for the Respondents.

2. In this Original Application, the applicant has moved this Tribunal seeking the following relief:

- (a) To pass appropriate orders quashing the order in memo dtd. 22.12.2009 in annexure-A/5.
- (b) To pass appropriate orders directing the Respondents Department to consider the case of the applicant for providing her an appointment on compassionate ground; and
- (c) To pass such further order.....”

3. Respondents have filed counter opposing the prayer of the applicant, to which, the applicant has also filed a rejoinder.

4. The brief background of the case is that father of the applicant while working as Postal Assistant under the Respondents-Organization passed away untimely on

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25.10.2006 due to brain-hemorrhage. In the above background, the applicant's application having been considered, the CRC recommended her case for appointment to the grade of Postal Assistant/Sorting Assistant on compassionate ground vide Annexure-A/4 dated 24/25.11.2009. While the matter stood thus, on a report being received from the Post Master General, Sambalpur that the applicant had by then married, and as the married daughter does not come under the definition of the defendant family members of the deceased, the Respondents-Department vide Annexure-A/5 dated 22.12.2009 cancelled the said appointment issued in favour of the applicant. Hence, this O.A.

5. I have considered the submissions made by the Ld. Counsel for the parties. Since, the Respondents or for that matter the CRC came to a definite finding that the family of the deceased is/was indigent and deserves compassionate appointment, in consequence of which, the applicant in the present O.A. had also been issued with the offer of appointment, which was subsequently cancelled for the reasons aforementioned, it would be harsh if the family of the deceased is left without any compassionate

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appointment being provided, the object for which such a provision has been outlined by the Government on the ground that the family is indigent. Hence, I am inclined to direct the wife of the deceased/mother of the present applicant to file a fresh representation before the competent authority seeking compassionate appointment either in her favour or in favour of any other dependant of the deceased who has attained majority, as the case may be, with all necessary documentations within a period of two weeks hence and, in the event such a representation is received, the Respondent-Department having regard to the eligibility and qualifications as attained by the representationist, shall consider the same and pass a reasoned order within a period of two months from the date of receipt of such representation under intimation to the representationist.

6. I hope and trust that the Respondent-Department and/or the CRC shall not make a departure from the view which they had already taken and in consideration of which they had provided compassionate appointment to the married daughter of the deceased.

7. With the above observation and direction, the O.A. stands disposed of. No costs.



8. Send copies of this order, along with copies of the O.A., to the Respondents and free copies of this order be given to the Ld. Counsel appearing for the parties.

Alfred
MEMBER (Judl.)

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