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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 528 OF 2010
Cuttack, this the 05th Day of NOVEMBER 2013

Sri P.K. Das..... 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 or not? ✓



(R.C. MISRA)
ADMN. MEMBER



(A.K. PATNAIK)
JUDICIAL MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 528 OF 2010

Cuttack, this the 05TH Day of NOVEMBER, 2013

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HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER
HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER

Sri Pramoda Kumar Das,
aged about 23 years,
Son of Late Laxmidhar Das,
At-Badasuar, PO-Markandapur,
PS/Dist-Jajpur, Orissa

...Applicant

(Advocates: M/s- S. C. Puspalak, S.K. Mishra, M/s.- K. Mohanty,
P.C.Acharya)

VERSUS

Union of India Represented through

1. The Deputy Director General,
Geological Survey of India,
Eastern Region, Bhu-Bijnan Bhavan,
Block-DK-6, Sector-II,
Salt Lake City, Kolkata-700091.
2. The Administrative Officer, Grade-II,
Geological Survey of India,
Eastern Region, Bhu-Bijnan Bhavan,
Block-DK-6, Sector-II,
Salt Lake City, Kolkata-700091.

... Respondents

(Advocate: Mr. G. Singh)



ORDERHON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

It is the case of the Applicant that his father (late Laxmidhar Das) while working as Technical Helper in Engineering Geology Division, Geological Survey of India (ER) died, prematurely, due to Cardiorespiratory failure on 06.12.2006. Since the deceased employee was the only bread winner of the family and the family having no other source of income, the widow sought employment assistance in favour of the present Applicant (Sri P.K. Das) who is a Matriculate. The Respondents rejected the said prayer in letter dated 28.05.2010, which reads as under:-

“ The Government of India vide Department of Personnel & Training O.M. No.14014/19/2001-Estt(D) dated 05.05.2003 has decided that the request for appointment on compassionate ground can be considered for a maximum period of three years from the date of death/invalidation on medical ground of Govt. servant. This office has reviewed your case on regular basis based on stipulated circumspetional criteria of Govt. of India regarding compassionate appointment and also observed that appointment on compassionate ground can be made only if vacancies under compassionate appointment quota earmarked for this purpose ^{are} ~~is~~ availablek in terms of the guidelines of DOPT. Now, after completion of three years and due to non-availability of clear vacancy with the prescribed 5% quota during the consideration period, this office regret to inform you that compassionate appointment is not possible to offer and your case for compassionate appointment stands closed in terms of the above mentioned Office Memorandum.”

Being aggrieved, by the aforesaid letter of rejection, the Applicant has filed the instant O.A., with the prayer to quash the letter dated 28.05.2010 and to direct the Respondents to consider the case of the Applicant to provide him appointment on compassionate ground.

2. The Respondents have filed their counter, opposing the stand taken by the Applicant in the O.A. It has been stated that the application of Smt. S. Das for providing appointment in favour of her son Sri Promod



Kumar Das (the applicant) was duly considered by the Department along with the candidature of other candidates for appointment on compassionate ground in accordance with existing Rules and guidelines of the Government of India. The Compassionate Appointment Committee (CAC), considered the case of the Applicant and have decided that as per the Government of India O.M. dated 05.05.2003 the request for appointment on compassionate ground can be considered for a maximum period of three years from the date of death/invalidation on medical ground of a Government servant. Now after completion of three years from the date of death of the father of the Applicant and due to none availability of the clear vacancy under 5% quota during the consideration period, the case of the applicant was rejected/closed in terms of the O.M. dated 05.05.2003. There being no illegality in the decision of the Compassionate Appointment Committee, the present O.A. is liable to be dismissed.

3. We have heard Mr. S.C. Puspalak, Ld. Counsel for the Applicant and Mr. G. Singh, Ld. Additional Central Government Standing Counsel appearing for the Respondents and perused the materials placed on record.

4. Ld. Counsel for the Applicant Mr. Puspalka by drawing our attention to the orders of this Tribunal has contended that the Compassionate Appointment Committee have committed grave injustice in the decision making process in closing the case of the Applicant after three years, in giving consideration only once by misrepresenting the DOP&T instruction dated 05.05.2003. Therefore, the order of rejection needs to be



set-aside. On the other hand Ld. CGSC Mr. G. Singh submitted that no illegality has been committed by the Committee in closing the case of the Applicant after three years from the death of the father of the Applicant, as provided in DOP&T circular dated 05.05.2003. We have considered the rival submission of the parties and materials placed in support thereof. The DOP&T instruction dated 05.05.2003 received consideration by this Bench in very many cases in past and also by the different Benches of the Tribunal and it has been held that as per the DOP&T instruction dated 05.05.2003, the case for compassionate appointment is required to be considered three times instead of three years. By applying the law already laid down by this Tribunal, in vary many cases in past, we quash the letter of rejection dated 28.05.2010 and remit the matter back to the Respondents to give due consideration to the case of the Applicant twice more at an early date and communicate the result of such consideration in a well reasoned order each time to the applicant.

5. In the result, the O.A. is allowed to the extent indicated above. No costs.



(R.C. MISRA)
ADMN. MEMBER



(A.K. PATNAIK)
JUDICIAL MEMBER