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O.A. No. 681 of 2010

Gobardhan Chalan.....Applicant

Vs

Union of India & Ors.....Respondents

Order dated: 13.05.2011

CORAM:

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

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

This is a matter in which prayer of the applicant for compassionate appointment having been rejected by the Respondent-Department vide Annexure-A/4 dated 30.11.2006, this Original Application has been filed seeking direction to the Respondents to reconsider the case of the applicant.

Respondents have filed their counter opposing the prayer of the applicant. They have stated that the O.A. being devoid of merit is liable to be dismissed.

I have considered the submissions made by the Ld. Counsel for the parties and perused the materials available on record.



By filing Annexure-A/7 dated 5.5.2003 issued by the Department of Personnel and Training, Ld. Counsel for the applicant brought to my notice that the maximum time a person's name could be kept under consideration for offering compassionate appointment would be three years and accordingly, submitted that the case of the applicant having been rejected for the first time, he is required to be considered for the purpose of providing compassionate appointment for two more times. Further, the Ld. Counsel for the applicant submitted that in the past this Bench has been consistently directing in similar matters like the present one, to the Respondent-Department to consider for two more chances and in that event there should not be a departure in this case from the view already taken by this Tribunal.

Having regard to the submissions made by the Ld. Counsel for the parties, I direct the applicant to prefer a representation to the competent authorities in the Department for the second round consideration of his case for compassionate appointment within a period of two weeks and in case such a representation is received the said authorities in the Department shall consider and dispose of the same having regard to the DoPT circular as referred to

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above within a period of 60 days from the date of receipt of such representation.

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


MEMBER (Judl.)

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