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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No.748 of 2010

Cuttack, this the 30th November, 2010

Kandha Swain Applicant
Versus
Union of India & Others Respondents

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THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN (J)
AND
THE HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

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The case of the Applicant, in nut shell, is that, father of the applicant, being medically de-categorized, retired from service voluntarily on 01-7-1997. Thereafter, by making application sought employment in favour of the Applicant. Respondents rejected such prayer. Hence he challenged the said order of rejection in OA No. 23/2002. This Tribunal in order dated 18th July, 2003, for the reasons recorded therein, directed for reconsideration of the case of the Applicant. Respondents challenged the said order before the Hon'ble High Court of Orissa in WP (C) No.5091/2004. The Hon'ble High Court of Orissa (in order dated 02-09-2008, for the reasons recorded therein) dismissed the Writ Petition. Thereafter, the Respondents

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sought Review of the aforesaid order before the Hon'ble High Court of Orissa. The said Review Petition was also dismissed by the Hon'ble High Court on 06.08.2010. It is alleged by the Applicant that despite all the above and in spite of repeated representations the case (Annexure-A/4 series) of the Applicant seeking reconsideration pursuant to the order of this Tribunal, nothing has been communicated to him till date. As such by filing the present OA, Applicant seeks direction to the Respondents to provide him employment on compassionate ground. Perused the records.

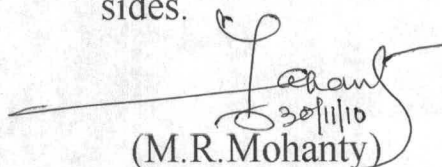
Heard Mr.N.R.Routray, Leaned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing on notice for the Respondents.

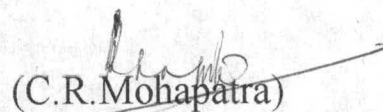
We find no justification on the part of the Respondents not to reconsider the case of the applicant as directed by this Tribunal in order dated 18th July, 2003, if the order has not been stayed by any higher forum. This being the position, without expressing any opinion on the merit of the matter by way of reiteration, this OA is disposed of at this admission stage with direction to the

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Respondents to communicate the decision on reconsideration of the case of the Applicant pursuant to the earlier order of this Tribunal within a period of 90 days from the date of receipt of copy of this order.

Send copies of this order(along with OA)to the Respondents at the cost of the Applicant for which Learned Counsel for the Applicant undertakes to furnish the postal requisite within two days hence after which free copies of this order be given to Learned Counsel for both sides.


(M.R. Mohanty)
Vice-Chairman(J)


(C.R. Mohapatra)
Member(A)