

3  
O.A. No. 757 of 2010

Rabi Narayan Mohanty.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 19.04.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A.K.Patnaik, Member (Judl.)

Heard Mrs. Suman Patnaik, Ld. Counsel for the applicant and Mr. S. Mishra, Ld. Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

2. The case of the applicant is that after the retirement of his father on the ground of medical incapacitation, who was working as Jamadar, SRO in RMS 'N' Division, Khurda Road, he approached the Respondents requesting for grant of compassionate appointment, which was rejected by the Respondents vide Annexure-A/4 order dated 26.02.2004. Hence, he has approached this Tribunal in the present O.A. for quashing Annexure-A/4 dated 26.02.2004.

3. On receipt of notice, by filing a counter without any objection to the condonation of delay petition, the

*M*

Respondents have pointed out that the case of the applicant was considered for compassionate appointment along with 32 others by the CRC on 14.01.2004 and since there were more deserving cases and also due to want of vacancy the applicant's case has been rejected.

4. Mrs. Pattnaik, Ld. Counsel for the applicant submits that according to the DoPT instruction dated 05.05.2003, the case of the applicant ought to have been considered for three times.

5. Having heard and as agreed to by the Ld. Counsel for the parties, without going into the merits of the case, we direct the Respondents to consider the case of the applicant as per DoPT instruction dated 05.05.2003 for two more times.

6. With the above observation and direction, the O.A. stands disposed of.

7. Send copies of this order to the Respondents and free copies of this order be given to the Ld. Counsel for the parties.

*W. Al*  
MEMBER (Judl.)

*R. K. Chaturvedi*  
MEMBER (Admn.)