

3

O.A. No. 854/10

ORDER DATED 10<sup>th</sup> JANUARY, 2011

Jayadev Rout..... Applicant

Vrs.

Union of India & Others ..... Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, ADMINISTRATIVE MEMBER

&

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

.....

Heard Sri S. Behera, Ld. Counsel appearing for the applicant and Sri S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following prayer:-

“ This Tribunal may kindly be pleased to issue notice as to why this case shall not be allowed and the Respondents shall not be directed to issue appointment order in favour of the applicant under compassionate ground as Respondent No.5 was already appointed.”

3. The facts of the case, as revealed from the O.A. are that the father of the applicant, while ~~was~~ working as a Token Porter expired on 16.06.1967. At that time the applicant was only 45 days. After attaining the age of majority, the applicant filed application for appointment <sup>on</sup> ~~under~~ compassionate ground under Rehabilitation Assistance Scheme. But that

4

-2-

was rejected. Another similarly situated person (Respondent No.5) was considered. Thereafter, again the applicant approached the authority by representation which is pending (Annexure-A/2) for appointment under Rehabilitation Assistance Scheme under the Respondent-Department. The grievance of the applicant is that though he acquired the eligibility criterion, while other candidates who were similarly placed at par with the applicant were given appointment on compassionate ground under Rehabilitation Assistance Scheme, he has not so far been granted similar benefits notwithstanding his representation vide Annexure-A/2 made to Respondents. Hence, the applicant has moved this Tribunal with the prayer as referred to above.

4. We have heard the Ld. Counsel for the parties on the question of admission. During the course of hearing, Ld. Counsel submitted that, a direction may be issued to Respondents No. 2 & 3 to consider and dispose of the pending representations vide Annexure-A/2 with a speaking order within a period of three months with intimation to the applicant.

5. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case Respondents No.2 & 3 are directed to consider and dispose of the pending representation~~s~~ vide Annexure-A/2, (if such a representation was received) as per law and taking into consideration the orders of the Hon'ble High Court of Orissa<sup>dt</sup> 09.08.05 within a period of three months from the date of receipt of copy of this order, under intimation to the applicant.

L

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send a copy of this order along with copy of the O.A. to Respondents No.2 & 3 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

8. Sri S. Behera, Ld. Counsel appearing for the applicant undertakes to deposit the postal requisite by tomorrow.

  
JUDL. MEMBER

  
ADMN. MEMBER