

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 68 of 2011

Shri J.Mangaya .... Applicant  
-Versus-  
Union of India & Ors. .... Respondents

1. ORDER DATED – 26<sup>th</sup> July, 2012.

CORAM  
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)  
And  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)  
.....

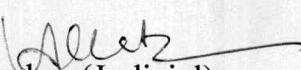
.....  
Applicant's grievance is that after untimely death of his father on 5.10.1999, while working under the Respondents as Safaiwala in terms of the extant instruction of the DOP&T, he should have been provided appointment on compassionate ground which was not done by the Respondents despite repeated representations. Hence by filing this OA on 10th February, 2011 he has prayed that as the family is still in indigence, direction be issued to the Respondents to provide him appointment on compassionate ground.

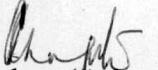
Respondents contest the case of the Applicant. By filing counter it has been stated that on 02-05-2000 an application was received from the mother of the applicant (Smt.Appalanarasamma) in which she has sought appointment in favour of her elder son Ch.J.Andeyya. The said application was not in complete form. Hence the competent authority directed to return the application enabling her to submit application giving details about the status and income etc. While disputing submission of representations relied on in the OA by

7

the Applicant, the Respondents have contended that appointment on compassionate ground cannot be claimed as a matter of right as the death of the father was in the year 1999 and the family has survived for all these years, there is no ground to provide appointment to the applicant at this distance of time. Hence they have prayed for dismissal of this OA.

After hearing the parties at length, we have perused the records. We find the applicant was aged about 39 years at the time of filing this OA and by this time he must have crossed the age of 40 years. However, since it is the specific case of the applicant that the family of the deceased is still in indigence and it is for the Department to consider providing appointment on compassionate ground taking various factors into consideration and that the case of the applicant has not received any consideration, liberty is given to the Applicant to make a fresh application supported by all documents required for the purpose within a period of 15 days from the date of receipt of copy of this order and upon receipt of such application the Respondents are hereby directed to consider the same and communicate the decision to the applicant in a well reasoned order within a period of ninety days from the date of receipt of application from the applicant. With the above observation and direction this OA stands disposed of. No costs.

  
Member (Judicial)

  
Member (Admn.)