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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 81 OF 2011

Cuttack this the 9th day of March, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND

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

...

Nishikanta Das...Applicant

-VERSUS-

Union of India & Ors. Respondents

ORDER

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER:

1. Heard Shri S.P.Das, learned counsel for the applicant and Shri J.K.Khandayatray, learned A.S.C. (on whom a copy of this O.A. has already been served) on the question of admission.

2. In the instant case the prayer of the applicant for compassionate appointment having been rejected vide letter dated 25.05.2005 (Annexure-A/5) "due to not indigent condition in comparison to recommended candidates and want of vacancy", the applicant went on making representation after representation for further consideration, the last one of such representations being dated 27.10.2009 (Annexure-A/8) and having received no response, has moved this Tribunal in the present O.A. for direction to Respondents to provide him compassionate appointment after quashing Annexure-A/5.

3. We have considered the rival submissions advanced at the Bar. In the matter of consideration for compassionate appointment, the Department of Personnel & Training have issued O.M. dated 5.5.2003, laying down the principle of considering the candidature thrice. From the materials on record, it reveals that the applicant has



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been considered only once. Therefore, by the above laid down principles of the DOPT, the applicant has a right to be considered for compassionate appointment twice.

4. In the circumstances, as agreed to by the learned counsel for the parties and without expressing any opinion on the merit, we direct the Respondent-Department to consider the case of the applicant in the light of the principles laid down in DOP&T O.M. dated 5.5.2003 (supra) and pass orders within a period of two months from the date of receipt of this order under intimation to the applicant.

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

6. Send a copy of this order along with copy of the O.A. to Respondent No.2 for compliance and free copies of this order be made over to the learned counsel for the parties.


(A.K.PATTNAIK)
JUDICIAL MEMBER


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER