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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A No. 155 of 2011  
Cuttack, this the 11<sup>th</sup> day of April, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)  
A N D  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Nibas Bhoi, aged about 29 years, Son of Late Rama Chandra Bhoi (Ex-Record Keeper), at present -Rasulgarh Bhoi Sahi, Post-Rasulgarh, Ps-Mancheswar, Bhubaneswar, Dist. Khurda.

.....Applicant

By legal practitioner: M/s.Brahmananda Das, B.Baisakh,Counsel  
-Versus-

1. Union of India represented through its Secretary, Minister of Finance, Central Secretariat, New Delhi.
2. Principal Accountant General (Civil Audit), Orissa, Bhubaneswar.
3. Senior Audit Officer (Administration), Office of the Accountant General (Civil Audit), Orissa, Bhubaneswar.

....Respondents

By legal practitioner: Mr.Sarbeswar Barik, ASC

O R D E R

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

By submitting a copy of the Legal heir certificate as at

An<sup>u</sup>nxure-1, granted by the Revenue Officer of the Office of the Tahasildar Bhubaneswar in the Misc. Case No. 130/05, it has been contended by the Applicant that his father while working as a regular record Keeper in the Department of Accounts under the Administrative Control of Respondents, died prematurely on 24-01-2005 by leaving behind the Applicant, three unmarried

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daughters of which two are minor and the mother of the Applicant. Further by placing a copy of the letter dated 07.06.2005 at Annexure-3, the Applicant has brought to the notice of this Tribunal that pursuant to the above letter the applicant submitted his application along with the documents required by the Senior Audit Officer/Admn for considering his case for providing appointment on compassionate ground. Thereupon he was required to appear before the Screening Committee twice. Despite representation at Annexure-5 series, he has not been communicated anything although it is the contention of the Applicant that as his father was the sole earner of the family after his death the family members are continuing in great financial hardship. Hence the applicant branding the silence maintained by the Respondents on his grievance, as illegal, arbitrary and violative of Article 21 of the Constitution of India has prayed for direction to the Respondents 2 and 3 to provide him appointment on compassionate ground forthwith.

2. Heard the Learned Counsel for the Applicant and Mr. S. Barik, Learned ASC, appearing on notice for the Respondents and perused the materials placed on record.

3. At the outset we may state that though appointment on compassionate ground is not a vested right of a person, yet this

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cannot be denied if it is covered within the yardstick fixed by the circular issued by the DOP&T time and again. It is settled law that request for appointment on compassionate ground should receive due consideration with promptitude so that the very aim and object of introducing such benevolent scheme will not be frustrated i.e. after the death of the bread earner of the family the family members should not be made to face financial hardship. It is also settled law that appointment on compassionate ground is exception to the Recruitment Rules for appointment to the grade to which the case of such appointment will be considered. In the present case it is seen that after the Annexure-4 (Series) requiring the applicant to appear before the Screening Committee, despite representation under Annexure-5 series no decision has been communicated to him though the applicant has a right to know the decision taken on his grievance at the earliest.

4. Be that as it may, we are not inclined to admit this OA as no decision has been communicated to the applicant on his representation under Annexure-5 series. Hence as requested by Learned Counsel for the Applicant and in the absence of no serious objection by the other side on the said prayer, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the

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Respondent No.2 to take a decision on the representations under Annexure-5 series which are stated to be still pending with Respondents for consideration and communicate the decision to the applicant in a well reasoned order within a period of 45 days from the date of receipt of copy of this order.

5. Send copy of this order to the Respondent No.2 along with copy of the OA for compliance and free copy of this order be given to Learned Counsel for both sides.

  
(A.K.PATNAIK)  
Member (Judicial)

  
(C.R.MOHAPATRA)  
Member (Admn.)