

ORDER DATED 23rd OCTOBER, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Heard Mr. Sadasiva Patra, Ld. Counsel for the applicant and Mr.U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents.

2. Aggrieved by Annexures-A/4 and A/6 the applicant has filed this Original Application for getting an appointment on compassionate grounds as his father, a Government servant, prematurely died on 14.05.2004 in an accident on the way to election duty for which he was sent by the Department. He has, therefore, prayed for the following:-

- (i) The Original Application be allowed.
- (ii) Respondents be directed to give appointment to the applicant under compassionate basis.
- iv) Any other order(s) may be passed giving complete relief to the applicant in the interest of justice and equity.

3. Admittedly the Circle Relaxation Committee, after considering all the points in favour of the applicant found that he is entitled to appointment. But, the only reason which stands as a bar for appointment is that there is lack of vacancy. While admitting the O.A., this Tribunal had directed the Respondents to give a statement regarding existence of the

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vacancy position in the Division/Circle where the father of the applicant had served. It is reported by Mr. Patra, Ld. Counsel for the applicant that as per Annexure-A/8 there exists 117 vacancies in the Department to be filled up through Direct Recruitment Quota. This fact is not disputed by the Ld. Sr. Standing Counsel for the Respondents. If so, the only question to be considered by us is whether the Respondents should be directed to consider the case of the applicant and give an appointment under compassionate appointment scheme. Admittedly, as per the finding entered by the CRC, the applicant is eligible/entitled to appointment on compassionate ground.

4. In the above circumstances, we direct Respondents No.2 & 3 to consider the case of the applicant for appointment on compassionate ground as and when the existing vacancies are filled up through Direct Recruitment Quota by applying the ratio that 5% of Direct Recruitment Quota vacancies are to be filled by compassionate appointment. It is also made clear that the case of the applicant for compassionate appointment shall be given on priority basis as his father died in the year 2004 while on election duty and the family is also found indigent. Even if there is any ban on appointment in the Department, such ban is not applicable in so far as appointment on compassionate ground is concerned.

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5. With the above observation and direction, this O.A. is allowed to the extent indicated above. Ordered accordingly. No costs.

Chapt
MEMBER (A)

Ukappan
MEMBER (J)

