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O.A. No. 258 of 2011

Rohidas Mohanta Applicant
Vs
Union of India & Others Respondents

Order dated: 10.05.2011

CORAM:

Hon'ble Shri A. K. Patnaik, Member(Judl.)

Applicant, in this O.A. (filed under Section 19 of the Administrative Tribunals Act, 1985), prays for reconsideration of his case for providing compassionate appointment.

2. The case of the applicant in nutshell is that his father, who was working as GDSBPM of Moudi Branch Post Office expired on 05.12.2008 leaving behind his widow (mother of the applicant), his ailing grandmother and the present applicant. The applicant submitted application and relevant documents before Respondent No.2 for appointment on compassionate ground. On 24.11.2010 the CRC meeting was held, which after considering the cases for compassionate appointment rejected the applicant's claim and the same has been communicated to the applicant vide Annexure-A/5 dated 27.12.2010.

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3. Heard Mr. P. K. Padhi, Ld. Counsel for the applicant and Mr. Subhasis Mishra, Ld. Additional Standing Counsel for the Union of India and perused the materials placed on record.

5. A bare reading of Annexure-A/5 goes to show that in the observation column of CRC it is only written that "the family was found not to be in indigent circumstances". No comparison of the case of the applicant vis-à-vis the candidates who have been given appointment has been shown for such rejection. Neither any basis is given as to how the applicant has been declared as not indigent.

6. Having heard Ld. Counsel for the parties, without going into the merits of the case, I remit the matter back to the Respondents to take a fresh decision on the grievance of the applicant for appointment on compassionate ground and pass a reasoned order within 90 days from the date of receipt of a copy of this order.

7. It is worth mentioning that this Tribunal in different cases has taken a consistent view that the case for compassionate appointment shall be considered for three times and not for three years as per the O.M.No. 14014/19/2002-Estt.(D) dated 05.05.2003 of the DoPT,

which has not been adhered to in the present case. The applicant's case ought to have considered for three times as per the aforesaid instruction.

8. With the above observation and direction, the O.A. stands disposed of.

9. Send copies of this order to the Respondents and free copies of this order be given to the Ld. Counsel for the parties.


MEMBER (Judl.)

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