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O.A. No.260/2011

ORDER DATED 9th OF MAY, 2011

J. Behera.....Applicant

Vrs.

Union of India & Others Respondents

Coram:

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

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Heard Sri S.C. Mohanty, Ld. Counsel for the applicant and Sri M.K. Das, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2.This Original Application has been filed by the applicant with the following prayer :-

“(i) Direct the Opp. Parties to consider the case of the applicant and appoint her as per the provisions of Rehabilitation Scheme basing upon the compassionate ground,”

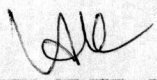
3. Sri Mohanty, Ld. Counsel for the applicant brought to my notice letter under Annexure-A/8, dated 18.01.11 communicating the decision of the CRC in not approving her case for compassionate appointment on the ground that she is less indigent than the candidates selected. Sri Mohanty, Ld. Counsel for the applicant submits that as per the circular issued by the DOP&T the cases for compassionate appointments should be considered for three times and the case of the applicant having been considered and rejected for the first time, she deserves to be considered for further two times. This Tribunal in the past having issued directions to the Department to consider the matter in view of the DOP&T circular for the 2nd and 3rd time, as the case may be in the

similar circumstances, there should not be a departure from the view already taken by this Tribunal. Accordingly, Sri Mohanty, Ld. Counsel submits that the applicant undertakes to file a fresh representation to the Respondents within a period of 02 (two) weeks for consideration of her case for another two times/twice as and when the next CRC meets.

4. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case at this stage it is considered that the ends of justice would be met if the applicant is directed to make a representation to the Respondents ventilating her grievance for consideration of her case for compassionate appointment for the 2nd time in case such a representation is received, the Respondents shall consider her case for compassionate appointment for the 2nd time keeping in view the DOP&T circular as and when the next CRC meets. Ordered accordingly.

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

6. Send copies of this order along with copies of the O.A. to Respondents for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


MEMBER JUDL.