

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 650 OF 2011
CUTTACK, THIS THE 19 DAY OF MARCH, 2013


B.C.Dash.....Applicant

Vrs.

Union of India & OrsRespondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? ☒
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ☒


(A.K.PATNAIK)
MEMBER (JUDL.)

12

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 650 OF 2011

Cuttack, this the 19 day of March, 2013

CORAM

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

.....

Bhakta Charan Dash,
aged about 31 years,
S/o. Late Bharat Charan Dashi,
Of Vill.- Ambapada, P.O.- Karamul,
P.S.-Gondia, Dist-Dhenkanal.

...Applicant

(Advocate(s) : M/s. D.P.Dhalsamant, N.M.Rout)

VERSUS

Union of India Represented through

1. Cabinet Secretary to Govt. of India,
Cabinet Secretariat, East Block-5,
R.K.Puram, New Delhi-110066.
2. Director, Aviation Research Centre,
ARC Headquarters,
Directorate General of Security (Cabinet Secretariat),
Block V (East) R.K.Puram, New Delhi-110066.
3. Joint Deputy Director (PERS)
Directorate General of Security (Cabinet Secretariat),
Block V (East) R.K.Puram, New Delhi-110066.
4. The Deputy Director of Aviation Research Centre,
Charbatia,
At/P.O.-Charbatia, Dist- Cuttack
5. Assistant Director (A)
Aviation Research Centre, Charbatia,
At/P.O.-Charbatia, Dist- Cuttack

... Respondents

(Advocate: Mr. S.B.Jena)

Alles

O R D E R

A.K. PATNAIK, MEMBER (I):

Applicant has approached this Tribunal in his third round of litigation. As it reveals from the O.A., case of the applicant in a nut shell is that after premature death of his father on 25.09.1999, who was working as a Cook in ARC, Charbatia and left behind his widow, two sons, one married and one unmarried daughter, he approached the authorities in the department seeking employment on compassionate ground. The same having being turned down by the Department, it formed the subject matter of O.A. No. 720/2006, which was disposed of by this Tribunal with direction to Respondents to consider the case of the applicant. However, the Respondents having rejected the prayer for compassionate appointment; the applicant again moved this Tribunal in O.A. No. 336/08. This Tribunal disposed of the said O.A. vide order dated 13.01.2010 in the following terms:

“For the reasons stated above, while holding that there is no infirmity in the order of rejection under Annexure-A/10 dated 09.05.2008 requiring interference by this Tribunal, it is ordered that the case of the Applicant as per DOP&T instruction dated 5.5.2003 deserves consideration two more times which the Respondents shall do without any loss of time.”

Alber

Consequent to the above order of this Tribunal, applicant was informed vide Memorandum, dated 05.07.2011 that his case was **“again considered by the Compassionate Appointment Committee on the basis of existing guidelines laid down for compassionate appointment but the same was not found more deserving than others appointed on compassionate grounds”**. Challenging Annexure-A/2 dated 05.07.2011, the applicant has filed this present O.A. with prayer for direction to the Respondents to provide him an employment under compassionate ground.

2. Respondents have filed their counter opposing the prayer made in this O.A. They have taken the ground that as per the orders passed by this Tribunal case of the applicant has already been considered by the CAC in its meeting held on 10.04.2008, 06.02.2009, 08.11.2010 and 27.05.2011 but his name was not recommended for compassionate appointment on the ground that more deserving candidates were available than the applicant. It has been further pointed out that the CAC makes an objective comparative analysis of all cases by taking into account assets, liabilities, pensionary benefits of the applicants. Mr. S.B.Jena, Ld. Addl. C.G.S.C. for the Respondents, submitted that compassionate appointment cannot be claimed as a matter of right.

Sub

3. Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, and Mr. S.B.Jena, Ld. Addl. C.G.S.C. for the Respondents and also perused the materials placed on record. I have also gone through the instruction filed on behalf of the Respondents.

4. The main thrust of the applicant's case is that his case for compassionate appointment should have been considered in the year 2010 but not by the CAC meeting that was held on 27.05.2011 as per Annexure-A/2 dated 05.07.2011. Although the reason for rejection of the case of the applicant is that his case is not more deserving in comparison to others appointed on compassionate grounds, no statement showing the comparative assessment of the candidates before the CAC held on 27.5.2011 has been furnished and therefore, the ground as urged in Annexure-A/2 dated 5.7.2011 that the applicant was not more deserving is baseless and does not stand to reason.

5. Although it has been stated in the counter that CAC has made an objective assessment/comparative analysis of all cases by taking into account assets, liabilities, pensionary benefits of the applicants, I find from the minutes of the meeting held on 08.11.2010, supplied by the Respondents, that present applicant has more liability and less assets than the other selected candidates. I am unable to understand what is the basis for rejecting the case of the applicant and what is the ground making his case less deserving.



16

6. In view of the discussions made above, I quash Annexure-A/2 and remit the matter back to the Respondents to reconsider the case of the applicant, having regard to what has been discussed above.

7. With the aforesaid observation and direction, the O.A. stands disposed of. No costs.


(A.K. PATNAIK)
MEMBER(J)