

Ashish Kumar Nayak .... Applicant  
Versus  
UOI & Ors. .... Respondents

1. Order dated 20<sup>th</sup> August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)  
Heard Learned Counsel for the Applicant and Mr.

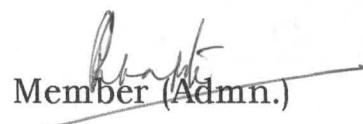
U.B.Mohapatra, Learned Senior Standing Counsel appearing on notice for the Respondents and perused the materials placed on record.

2. Applicant is the son of Late Bimbadhar Nayak. Late Bimbadhar Nayak expired prematurely on 23.08.2003 leaving a large family including his old ailing father, while working as Postmaster of Tisira Sub Post Office under the Department of Post. His grievance is that he was the only earning member of his family and after his death the family has been facing insurmountable difficulties to sustain their life. His further stand is that though sons and wards having better financial conditions of other deceased Government servants have been provided with employment, he has been discriminated by the order of rejection under Annexure-A/4 dated 12.9.2005 on the ground that the family of the applicant is not in indigent condition in comparison to recommended candidates and also due to want of vacancy under compassionate quota. He has emphatically submitted that although as per the DoP&T instruction dated 05.05.2003 the case of the applicant ought to have received consideration on two more consecutive years,

after the order of rejection under Annexure-A/5 no such consideration was given and thereby allowing the family members to continue in indigent condition.

3. In absence of specific names it is difficult to know who are the persons considered and appointed although they are not in indigent condition or the persons who were adjudged financially poor in comparison to the Applicant. As such, I do not feel any infirmity exists in the order of rejection under Annexure-A/4 so as to admit this OA. However, there has been a *prima facie* case in favour of the Applicant so far as consideration of his case for another two more occasion in term of DoP&T instruction dated 05.05.2003 which has not yet been done. Hence, this Original Application is disposed of at this admission stage with direction to the Respondents to consider the case of the Applicant two more occasions as per the instructions of the DoP&T dated 5.5.2003 and explore the possibility of providing employment to the Applicant on compassionate ground and that consideration must be after due verification of the indigent condition of the Applicant in the manner provided in DoP&T OM No.14014/94-Estt.(D) dated 09.10.1998.

Send copies of this order to the Respondents along with OA.

  
Member (Admn.)