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O.A. No. 102 of 2009

Order dated: 28.07.2009

CORAM:

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

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

Aggrieved by the non-consideration of the application for compassionate appointment in spite of Anenxure-A/5 offer, the applicant approached this Tribunal.

2. When the matter came up for admission, this Tribunal directed the Ld. Counsel for the Respondents appearing on notice to get instruction in this matter. However, there is no instruction as such coming from the Respondents. Therefore, we are considering the matter on merit.

3. Admittedly, the father of the applicant died while he was in service and after the death of the father an application with all necessary documents was filed for compassionate appointment as it is evidenced from the documents now produced before this Tribunal. However, the application has been scrutinized and as per Anenxure-A/5 applicant's name was also recorded at Sl. No. 5 among the eligible candidates for compassionate appointment but till this date no appointment has been offered to him and also no



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positive answer is coming from the Respondents. Hence, the applicant now prays that this Tribunal may direct the Respondents to consider the case and take final decision in the matter at the earliest.

4. We have considered the entire facts of the case and we are now of the view that as per Annexure-A/5 it is clearly found and held by the Circle Relaxation Committee that the applicant is one among the eligible candidates for offering appointment under the compassionate appointment scheme. It is also seen from the same order dated 8.12.1999 that there were other applications pending for the same purpose. However, as the applicant is concerned, no order either appointing him or rejecting his application has been passed by the Respondents ~~either~~ to. It is also seen that as per Annexure-A/6, the offer for compassionate appointment as recommended by the Circle Relaxation Committee, has been revived and the name of the applicant <sup>did</sup> ~~was~~ not figured <sup>at</sup> there. The reason for non-inclusion of name of the applicant is also not forthcoming.

In the aforesaid circumstances, we are directing the Respondent Nos. 2 and 4 to reconsider the entire case of the applicant and to give an answer to the applicant at the

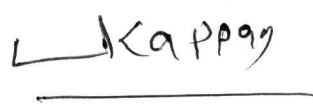


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earliest at any rate within 45 days from the date of receipt of  
a copy of this order.

Applicant shall also produce a copy of this order  
IN REPLY TO THE ORDER 7 AND 4 FOR EXAMINATION

With the above direction, this O.A. stands  
disposed of at the admission stage itself. No costs.

  
MEMBER (A)

  
MEMBER (J)

RK