

Order dated 11-05-2011

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

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Facts of the matter are that the Applicant is the Son of Late Chakradhar Das who while working as Postman died on 16.09.2006. According to the Applicant the deceased left behind his widow, two sons and two daughters in a state of penury. In the said premises, the family of the deceased applied for providing appointment in favour of the applicant on compassionate ground. But according to the Respondents, on receipt of the application for appointment on compassionate ground the matter was examined and it was found from the synopsis paper submitted by the Applicant that his elder brother is living separately and both the sisters are married. However, the matter was placed before the CRC held on 03.11.2009 who for the reasons recorded in the file did not find the case of the applicant to be an indigent one so as to be provided with the employment on compassionate ground. The reason of rejection was communicated to the Applicant in letter dated 04.12.2009 under Annexure-A/9. The further stand of the Respondents is that the appointment on compassionate ground is not another source of recruitment but merely an exception by

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taking into consideration the fact of the death of employee while in service leaving his family without any means of livelihood. Employment to the defendant of a government servant dying in harness in preference to anybody else is to mitigate hardship caused to the family of the deceased on account of his unexpected death while in service. Since the CRC did not find the case of the applicant to be indigent one has rightly rejected the case of the applicant.

2. Heard Learned Counsel for both sides and perused the materials placed on record. The order of rejection in Annexure-A/9 has not been challenged by the Applicant in this OA. During the course of submission, Shri P.K.Padhi, Learned Counsel for the Applicant submitted that as per the instructions of the DoP&T OM dated 5.5. 2003 the Respondents ought to have considered the case of the applicant twice more which having not been done, direction may be issued to the Respondents to do the same within a stipulated period. The Respondents' Counsel objected to this submission of the Learned Counsel for the Applicant by stating that the instruction dated 5.5. 2003 states for keeping the name of the applicant for three years but not consideration for three times. In this connection I have also perused the instruction of the DoP&T dated 5.5.2005. But I find no merit in the submission of the

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Respondent's Counsel to deviate from the consistent view taken by this Tribunal in very many cases in past that the DoP&T instruction dated 5.5.2003 is for consideration of the case of compassionate appointment for three times. In the instant case it is seen that the case of applicant has received consideration only once but has been rejected as the family is not in indigent condition. Therefore, it needs consideration for two more occasions. Hence, the Respondents are directed to consider the case of the applicant for two times more as and when the CRC meeting will be held and communicate the result thereof to the Applicant at an early date.

3. With the aforesaid observation and direction this OA stands disposed of. No costs.


(A.K.PATNAIK)
Member (Judicial)