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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

21.03.2017

O.A./260/820/2016

M R BEHERA AND ORS

-V/S-

NATIONAL ALUMINIUM COMPANY LIMITED, M/O MINES

ITEM NO:4

FOR APPLICANTS(S) Adv. :

Ms. Reshma Behera (applicant No.2, in person)

FOR RESPONDENTS(S) Adv.:

Mr. M.K.Mishra, Ld. Sr. Counsel, assisted by Mr. D.K.Patnaik

Notes of The Registry	Order of The Tribunal
	<p>Heard Ms. Reshma Behera (applicant No.2 in this case), in person, and Mr. M.K.Mishra, Ld. Sr. Counsel, assisted by Mr. D.K.Patnaik, Ld. Counsel appearing for the Respondents-NALCO.</p> <p>2. The applicant No.2 submitted that her father, who has been an employee of NALCO since 10.10.1988, was discharged from the service in connection with a disciplinary proceeding case. Since the employee belonged to the Schedule Caste, he approached the National Commission for Scheduled Caste, Govt. of India. The said Commission intervened on behalf of the applicant's father with the NALCO authorities and the management of NALCO issued a fresh appointment order on 08.12.2011 on a consolidated pay. However, his past service was not protected and he was not offered the same salary as he was getting earlier. Therefore, the said employee did not accept that offer. In the meantime, the father of applicant No.2 became mentally disturbed. For the last five years the family members are also not in a position to know his whereabouts and because of his mental disorder he has been absconding. The family is going through the acute suffering because of this difficult situation. The applicant No.1, who is the wife of the employee, and the applicant No.2, who is the daughter, have represented to the NALCO authorities praying for a compassionate appointment and so far the concerned authorities have not considered their prayer. Therefore, the applicants have been compelled to approach the Tribunal for relief.</p> <p>3. On the other hand, Mr. M.K.Mishra, Ld. Sr. Counsel, on behalf of the Respondents-NALCO submitted that the employee was discharged on the basis of a disciplinary proceeding and, therefore, in his case the facility of compassionate appointment cannot be extended. The claim</p>

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of compassionate appointment is meant for giving rehabilitation assistance to the family of the employee, who has died in harness or is grievously injured in course of discharging his duties. The present applicant's case cannot be accommodated under the said scheme. It is further submitted by Mr. Mishra that under the direction issued by the National Commission for Scheduled Caste, the alternative employment was offered to the employee, which he declined to accept. Therefore, the authorities are not in a position to render any further job help. *Q*

4. It is found from the record that on 19.07.2016 the applicant No.2 made a representation to the C.M.D., NALCO (Respondent No.1) in which a prayer was made to consider her recruitment on compassionate ground in the Graduate Engineer post for which she had applied in response to an advertisement dated 17.01.2016 in the NALCO Website. It is also brought to my notice that a reply was given to the applicant No.2 by the concerned authorities mentioning that the GATE Registration number which she had provided in the application did not match with the GATE Registration number of Gate Examination-2015 because of which her application was not considered. On perusal of this communication dated 27.08.2016 it is found that the Respondents advised the applicant to apply for service against any future advertisement for consideration along with others subject to meeting the required specification and suitability. Since the applicant had approached the Department of Public Grievances and Pension (Admn.) under the State Government, this position was also made clear to the said department.

5. Having heard the applicant No.2, in person, and the Ld. Sr. Counsel representing the Respondents-authorities, I do not find any document or record on the basis of which the prayer for compassionate appointment could be considered. The Ld. Sr. Counsel has also clarified that this case cannot be considered under the compassionate appointment scheme formulated by the NALCO authorities. It is, however, quite evident that because of the present situation of the concerned employee, the family is going through a very difficult times. According to the letter dated 27.08.2016, the NALCO authorities have already advised the applicant No.2 to apply against any post to be advertised by the NALCO and her case will be considered with sympathy along with other cases.

6. In consideration of the above, I dispose of this O.A. at the stage of admission by advising the applicant to apply ~~against~~ ^{for} the advertisement for suitable vacancy under the NALCO and if such application is filed according to the proper procedure

[Signature]

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and the applicant is eligible for applying for such post, the same may be considered by the Respondent-authorities along with other cases.

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

8. Copy of this order may be given to the applicant as well as Ld. Counsel appearing for the NALCO and copies of this order be also sent to Respondent Nos. 1, 2 and 3 for suitable compliance.

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(RAMESH CHANDRA MISRA)
MEMBER (A)

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