

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

ORDER SHEET

COURT NO. : 1
12.05.2017
O.A./260/142/2016

D K DAS
-V/S-
DEFENCE

ITEM NO:24
FOR APPLICANTS(S) Adv. :

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
<p>Order dt. 12-5-17</p> <p>Free copy of order dt. 12-5-17 given to both counsel.</p> <p>17/5/17 S.O.</p> <p>Order dt. 12-5-17</p> <p>copy of order dt. 12-5-17 issued to R-2 to R-4 by speed post at the cost of the petitioner.</p> <p>25/5/17 S.O.</p> <p>26-5-17</p>	<p>Heard Mr. B. S. Tripathy, Ld. Counsel appearing for the applicant and Mr. S. Behera, Ld. SCGPC appearing for the Respondents.</p> <p>2. Mr. Tripathy submitted that the applicant has approached this Tribunal for a compassionate appointment by filing this present O.A. The applicant's father who was working as Safaiwala under the Respondents-Authorities i.e., the Deputy Director (Admn.), Aviation Research Centre (ARC), Charbatia, Cuttack (Respondent No.4) died in harness on 03.04.2012 and subsequently, the applicant's mother also died on 15.07.2012. Thereafter, the applicant was in great misery because he has been rendered an orphan in a course of only three months. Mr. Tripathy submitted that on the filing of application for compassionate appointment, Respondent No.5 informed the applicant that his case was not found deserving by an order dated 08.11.2013. Subsequently, the applicant made a representation to the Joint Director(ARC), Charbatia on 29.11.2013 and another representation to the Special Secretary (Respondent No.2) on 10.02.2014 to review his case. Finally, the Respondent No.6 informed the applicant that his case was rejected thrice by his letter dated 08.10.2015, which the applicant has challenged in this O.A. Mr. Tripathy submitted that this is a very sad case where the applicant's prayer for compassionate appointment should have been considered with sympathy according to the provisions of the scheme. In fact he has enclosed in the rejoinder at Annexure-A/10 a letter issued by the Special Secretary, ARC, New Delhi (Respondent No.2) to the applicant's mother in which the department has conveyed the heartfelt condolences and also communicated that all Officers and Members of the staff of this Organization were with her in this hour of grief. On the other hand, the Ld. Counsel for the applicant has also submitted the pitiable situation which the applicant is placed now and also the fact that he could not prosecute his study further in the School because of the miserable condition of the family. He further submits that it is a deserving case for further consideration by the Respondents-Authorities.</p>

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3. Mr. Behera submitted that the Department has considered the case of the applicant thrice. All the details also mentioned in the counter.

4. The Respondents, as it appears, have turned down the prayer of the applicant for compassionate appointment, in a cryptic order, without considering all the points raised by him in the representation. Although it was mentioned that the applicant's case is not found fit no such detail has been furnished. Therefore, the order is neither a detailed nor a reasoned one. It is not known whether the Respondents had made an enquiry of the present financial position of the applicant after death of his parents. Although no direction can be given for appointment on sympathy as a measure of compassionate appointment by the Tribunal certainly looking to the present case a direction for reconsideration of the matter could be given in the facts and circumstances of the case.

5 Since in the instant case rejection of representation appears to be without any reason thereby not answering all the points raised by the applicant in his representation, I do not see any reason to keep this matter pending. Hence, the order dated 08.10.2015 (Annexure-A/9) is quashed and the matter is remitted back to the Respondent No.2 to reconsider the representation dated 11.07.2015 (Annexure-A/8) as per the scheme after taking into account his present financial situation and dispose of the same with a reasoned and speaking order to be communicated to the applicant within a period of two months from the date of receipt of copy of this order. I make it clear that, in the event of such consideration if the applicant is found to be entitled and eligible for such compassionate appointment after due consideration by the Compassionate Appointment Committee, then expeditious steps be taken to extend the benefit to him preferably within a further period of three months from such consideration. Though I have not expressed any opinion on the merit of the case, I make it clear that all the points raised in the representation will be kept open for the Respondents for consideration as per the extant rules.

6. With the aforesaid observation and direction, the O.A. is disposed of. No costs.

7. On the prayer made by Mr. B. S. Tripathy, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.2, 3 & 4 by Speed Post at the cost of the applicant, for which Mr. Tripathy undertakes to file the postal requisites by 17.05.2017.


(RAMESH CHANDRA MISRA)
MEMBER (A)

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