

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

**ORDER SHEET**

COURT NO. : 1

26.04.2017

O.A./260/170/2016

M.A./260/210/2017

J SUBHALAKSHMI

-V/S-

INCOME TAX

ITEM NO:3

FOR APPLICANTS(S) Adv. :

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. H.K. Tripathy, Ld. Advocate on behalf of Mr. A.K. Mohapatra-1, Ld. Counsel for the applicant and Mr. B.P. Nayak, Ld. Counsel appearing for the Respondents on whom copy of this O.A. has already been served and perused the materials placed on record.</p> <p>2. The facts as submitted are that the applicant is the unmarried daughter of Late Dambarudhar Jena, who was working as an Inspector of Income Tax under the Respondents-Department. He expired on 14.03.2001 while in service leaving behind his wife, his daughter who is the applicant in this case and two sons as legal heirs. The applicant submitted a representation to the Respondent No.2 to provide her employment under the Rehabilitation Assistance Scheme on 06.06.2001. The applicant is highly qualified being M.A. in English, Bachelor of Law from Utkal University and Diploma in Information Technology from NIIT. The submission of Ld. Counsel is that the applicant has repeatedly approaching the authorities in the matter of giving employment under the Rehabilitation Assistance Scheme. However, an inquiry was made by the authorities and the Respondents were satisfied that the applicant fulfills the eligibility conditions for appointment under the declared policy and the Respondent No.2 verbally assured the applicant that she may be given employment under the Rehabilitation Assistance Scheme in due course when her turn comes. In spite of the above facts, employment assistance has not been given to the applicant so far, which compels her to approach this Tribunal with a prayer to direct the Respondents to give her an appointment under the Rehabilitation Assistance Scheme forthwith with consequential service benefits. The last representation is dated 14.08.2014 (Annexure-A/8) made by the applicant to the Chief Commissioner, Income Tax Dept., Odisha Region, Bhubaneswar who is Respondent No.2 in the present O.A. Thus there is delay in filing of this O.A. for which M.A. No.210/2017 has been filed by the applicant praying for condonation of delay. After hearing Ld. Counsels for both the sides the delay is condoned. Accordingly, the M.A. No.210/2017 is disposed of.</p>

5

3. It seems the consideration of the compassionate appointment is still engaging the attention of the Respondents authorities without any decision being taken in this regard. Matters of compassionate appointment should not be kept pending because the object of providing compassionate appointment is to immediately relieve the family in distress after the death of the bread winner. Therefore, it is a matter of concern in the present case that the representation has been kept pending in the Department for such a long time, which might be ~~not~~ good reasoned like nonavailability of vacancy, non-consideration so far by the Compassionate Appointment Committee. Whatever be the cause of this delay, the Respondents have to expeditiously consider the representation and take a decision in the matter strictly in accordance with the Scheme of employment under the Rehabilitation Assistance Scheme and communicate the decision to the applicant.

R

4. Therefore, at this stage, without going into the merit of the matter, I would direct Respondent No.2 to consider the representation dated 14.08.2014 made by the applicant with regard to the compassionate appointment in the light of the extant Rules and communicate the decision to the applicant within a period of 90 days from the date of receipt of this order.

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

6. On the prayer made by Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent No.2 by Speed Post at the cost of the applicant, for which Ld. Counsel for the applicant, undertakes to file the postal requisites by 01.05.2017.

  
(RAMESH CHANDRA MISRA)  
MEMBER (A)

kb