

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00248 OF 2016

Cuttack, this the 26th day of April, 2016

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

.....
Padma Charan Singh, aged about 38 years, S/o late Purna Chandra Singh,
At/PO. Gurujanga, Dist:- Khurda.

.....Applicant

By the Advocate(s)-M/s. S.B. Jena, S. Behera, A. Mishra.

-Versus-

Union of India, represented through

1. Secretary, Ministry of Labour & Employment, Shirma Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. Chief Labour Commissioner (Central), Ministry of Labour and Employment, Govt. of India, Shirma Shakti Bhawan, Rafi Marg, New Delhi-110001.
3. Regional Labour Commissioner(Central), Govt. of India, Ministry of Labour & Employment, kendriya Shirma Sadan, N-7/6 &7, IRC Village, Behind Iskon Temple, Bhubaneswar-15

.....Respondents

By the Advocate(s)- Mr. M.R. Mohanty

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. S. B. Jena, Ld. Counsel appearing for the applicant and Mr. M.R. Mohanty, Ld. ACGSC appearing for the respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“ Under the circumstances, it is humbly prayed therefore that this Hon'ble Tribunal may graciously be pleased to direct the Respondents to reconsider the case of the applicant for appointment under compassionate ground in any Group-C/Post as the applicant along with family members are in distress condition.

And further be pleased to direct the Respondents while reconsidering the date of death of deceased employees should taken into account first.


And further be pleased to reconsider the case of the applicant taking into account the rule/guidelines was in vogue at the time of death.

vllc

Or pass any other order/orders as this Hon'ble Tribunal may think fit

And allowed this Original Application with cost".

3. Mr. Jena, Ld. Counsel for the applicant submitted that due to non- consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 15.01.2016 (Annexure-A/9) to Respondent No.3. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.
4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representations dated 15.01.2016 (Annexure-A/9) , if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.
5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.
6. On the prayer made by Mr. S. B. Jena, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post for which Mr. Jena undertakes to file the postal requisites by 29.04.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)