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O.A. No. 266 of 2012

Kaushik Mohanty.....Applicant
Vs
Union of India & Ors.....Respondents

Order dated: 02.04.2012

CORAM:

— Hon'ble Shri A. K. Patnaik, Member (Judl.)

Heard Mr. D.K.Mohanty, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Addl. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The case of the applicant is that after the premature death of his father, he had approached the Respondents seeking compassionate appointment. The same having been considered and rejected, he has filed this O.A. with the following prayers:

"a. To direct the Respondents to consider the case of the applicant for appointment on compassionate ground against any other Gr. C cadre post retrospectively.

b. And/or to direct the Respondents to reconsider the case of the applicant for appointment on compassionate ground against Gr. D post retrospectively.

c. And/or to direct the Respondents to reconsider the case of the applicant for appointment on compassionate ground in any other category of Gr. C posts as per the instructions of the DOP&T dated 5.5.2003.

d. To pass any other order....."


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3. Ld. Counsel for the applicant, Mr. Mohanty, submitted that as per DO&PT circular dated 05.05.2003, the case for compassionate appointment can be considered for three times whereas the applicant's case has been considered only once.

4. Having heard Ld. Counsel for the parties, I direct Respondents to consider the case of the applicant taking into account the provisions made in the DOP&T circular dated 05.05.2003. It has been the consistent stand of this Bench that three times consideration would mean consideration against three consecutive recruitment years. The same needs to be followed and matter be placed before the CRC for consideration and thereafter reasoned orders be issued by the Respondents under intimation to the applicant.

5. With the above observation and direction, the O.A. stands disposed of at the stage of admission itself.

6. Send copy of this order to the Respondents and free copies of this order be handed over to the Ld. Counsel appearing for the parties.


MEMBER (Judl.)