

3

O.A. No. 295 of 2012

Prasanta Ku. Lenka.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 12.04.2012

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A. K. Patnaik, Member (Judi.)

Heard Mr. B.R.Sarangi, Ld. Counsel for the applicant and Mr. U.B.Mohapatra, Ld. Sr. 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 he was working as substitute in place of his father, who was suffering from cancer, and after the death of his father he had approached the Respondents seeking compassionate appointment. The same having been considered and rejected vide Annexure-A/14 dated 29.12.2011, he has filed this O.A. with the following prayers:

".....to quash the order dated 29.12.2011 in Annexure-14 and issue a direction for consideration of the grievances of the applicant for compassionate appointment befitting to his qualification against any group-C or group-D post admissible to him within a stipulated time;

AND pass such other order....."

4

3. Ld. Counsel for the applicant, Mr. Sarangi, submitted that the order of rejection, i.e. Annexure-A/14 is not a reasoned one and also 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, We 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 <sup>1</sup> 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 <sup>next</sup> ~~the~~ CRC for ~~l~~ 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.)

  
MEMBER (Admn.)