

Bibhas Ranjan Lenka Vrs. UOI

For Admission No. 2

O.A. No. 918 of 2012

Advocates: M/s. D.Mohapatra, B.R.Bhera, D.Pattnaik, S.S.Nanda

Advocates: Mr. U.B.Mohapatra

Order dated: 12.03.2013

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HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)
&
HON'BLE SHRI R.C.MISHRA, MEMBER (ADMN.)

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Heard Mr. S.S.Nanda, Ld. Counsel for the applicant, and Mr. U.B.Mohapatra, Ld. Sr. C.G.S.C. appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. This O.A. has been filed with prayer to direct Respondent No.1 to reconsider the case of the applicant for appointment on compassionate ground.

3. We find that ventilating his grievance the applicant has filed representation on 11.05.2012 addressed to the Chief Commissioner of Income Tax, Bhubaneswar, Orissa (Respondent No.1) and vide representation dated 19.06.2012 he has made reminder addressed to the Respondent No. 1. Mr. Nanda submitted that till date the applicant has not received any response on the said representation as

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well as reminder made by him. Accordingly, he submitted that the applicant will be satisfied if a direction is issued to the Respondent No.1 to consider the representation within a specific time frame and provide him appointment on compassionate ground.

4. Mr. Mohapatra, Ld. Senior C.G.S.C. is not in a position to apprise this Tribunal the present status of the said representation. However, he has no grievance if direction is issued for disposal of the representation, if it is still pending. However, he submitted that earlier, as per the Rules framed by the Govt. of India, every case was to be considered for three years but after the Judgemade Law the same has to be considered for three times as per the circular of the DOP&T.

5. The consistent view of the Tribunal is that cases for compassionate appointment deserve consideration for three consecutive times in which the Committee sits. Therefore, there is no embargo for consideration of the case of the applicant if it has not been considered three times.

6. In view of the above, at this stage, we dispose of this O.A. by directing Respondent No.1 to consider the case of the applicant, if it has not been considered for three times, and communicate the decision to the applicant in a reasoned order.

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7. Let copy of this order along with paper book be transmitted to Respondent No. 1 at the cost of the applicant for which Mr. Nanda, Ld. Counsel for the applicant, undertakes to file postal requisites by 15.03.2013.


(R.C. MISRA)
MEMBER(A)


(A.K. PATNAIK)
MEMBER(J)

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