

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O. A. NO.1026 OF 2012**  
**Cuttack the 11<sup>th</sup> day of January, 2013**

**CORAM**  
**HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)**  
**HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)**

B.K. Kahali,  
aged about 32 years,  
S/o. Late B. Kahali,  
At-Sriram Nagar, Behind Petrol Pump,  
Uttara Chhak,  
P.o-Kausalyaganga,  
Dist-Puri.

...Applicant

(Advocate(s) for the Applicant M/s- A. Mishra, S. Das)

**VERSUS**

Union of India

1. The Director General,  
Indian Council of Agricultural Research,  
Represented through its Secretary, (ICAR),  
Krishi Bhawan,  
New Delhi110001
2. Director,  
Central Institute of Fresh Water Aquaculture,  
Kausalyaganga,  
Bhubaneswar-2.
3. Secretary  
Indian Council of Agricultural Research,  
Krishi Bhawan,  
New Delhi110001

... Respondents

(Advocate- Mr. S.B. Jena)

**ORDER(Oral)**

**MR.A.K.PANAIK, MEMBER(J)**

Heard Mr. A. Mishra, Ld. Counsel for the applicant and Mr. S.B. Jena, Ld. Counsel appearing on behalf of the Respondents- ICAR. Mr. Mishra submitted that the applicant has filed this Original Application challenging the action of the Respondents in not considering the case of the applicant for compassionate appointment even if his application made in this regard is pending since 2009. Mr. Mishra further submitted that he would be satisfied if a direction is issued to the authorities concerned to consider the representation of the applicant within a specific time frame.

2. Mr. S.B. Jena, Ld. Counsel for the Respondents-ICAR vehemently opposed the prayer of the Ld. Counsel for the applicant stating that the Director General ICAR is not the proper authority as per Rule 22(3) of ICAR Rules to consider the representation of the applicant. Mr. Jena further submitted that the competent authority in this regard is Secretary, ICAR who is not a party to this O.A. On the other hand Mr. Mishra submitted that he may be permitted to add Secretary, ICAR as Respondent No.3 to the O.A. and further prayed to grant liberty to the applicant to make a comprehensive representation to Respondent No.3 i.e. Secretary ICAR for consideration.

3. Having regard to the submissions made by the Ld. Counsel for the parties, the prayer of Mr. Mishra for adding Secretary ICAR as Respondent No.3 to the O.A. is allowed and necessary amendment be carried out in course of the day.

4. Accordingly, we dispose of this Original Application with direction that if any such representation is filed by the applicant within a period of two weeks from today the same shall be considered and disposed of by Respondent No.3 through a speaking and reasoned order within a period of three months from the date of receipt of such representation under intimation to the applicant. No costs.

5. Send <sup>2</sup> copies of this order along with paper book to Respondent Nos.2 & 3 at the cost of the applicant for which Mr. Mishra undertakes to file requisites by 17.01.2013.

  
(R.C. MISRA)  
MEMBER(A)

  
(A.K. PATNAIK)  
MEMBER(J)

bks