

ORDERS No.10

OA No.1069/12

Advocate(s) - M/s.B.Satpathy, T.K.Nayak

Advocate(s) - Mr.B.K.Mohapatra

Date – 17th January, 2013.

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)


While giving consideration to the defects pointed out by the Registry, we have also heard Mr. B.Satpathy, Learned Counsel for the Applicant and Mr.B.K.Mohapatra, Learned Additional Standing Counsel for the Union of India appearing for the Respondents and perused the records.

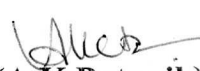
2. In this Original Application the prayer of the applicant is to direct the Respondents 2 and 3 to issue order of appointment in his favour on compassionate ground within a stipulated period. Even according to the applicant his father while working as Zamadar in RMS Jeypore in the District of Koraput died on 22.2.1993 and thereafter her mother submitted representation to provide appointment to one of her sons as both of them were minor, after attaining majority. The son of the applicant attained majority some time in 1999 and according to the applicant since then he has been going on making representations which did not yield any result. Hence he has approached this Tribunal in the present OA with the aforesaid prayer. As it appears, the last representation is dated 18.6.1997. Hence by filing MA no. 1186 of 2012 the applicant has prayed to condone the



delay on the ground that after the death of his father the applicant and
 his mother were engaged for the treatment of ^{his} ~~which~~ elder brother who ^R
 was suffering from mental disorder. Except making ^a bald ^{statement} ~~allegation~~ ^R
 that he was busy in attending the treatment of his brother who was ill
 soon after the death of his brother no material has been placed in
 support thereof. Besides, nothing has been stated as to why the
 mother did not offer her candidature for appointment on
 compassionate appointment if at all the family was in financial
 hardship after the death of the father of the applicant. Even assuming
 that the applicant became major in the year 1999 and therefore was
 entitled to be considered, it is seen that the family could survive all
 these years from 1999 without any appointment on compassionate ^{ground.} ^R
 We may observe that appointment on compassionate ground is not an
 alternative mode of employment and the appointment is provided to
 redeem the financial hardship faced by the family consequent upon
 the death of the bread winner.

3. In view of discussions made above, we hold that this OA
 besides being grossly barred by limitation also lacks merit. Hence this
 OA stands dismissed by leaving the parties to bear their own costs.


 (R.C. Misra)
 Member (Admn.)


 (A.K. Patnaik)
 Member (Judl.)