

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 590 of 2013
Cuttack, this the 5th day of September, 2013

CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....
Prasanta Nanda aged about 29 years, So of Andriya Mahananda, Village-Rengali, Po.Kamarlaga, Ps. Saintala, Dist. Bolangir.

....Applicant
(By the Advocate(s)-M/s.L.Pradhan,A.K.Hota,D.P.Das)

-VERSUS-

Union of India represented through

1. Secretary, Department of Defence (Production), Ministry of Defence, Government of India, South Block, DHQ, New Delhi-110 011.
2. General Manager, Ordnance Factory, At/Po.Badmal, Dist. Bolangir-767 776.

...Respondents

(By the Advocate(s)- Mr.R.C.Bhera)

O R D E R

A.K.PATNAIK, MEMBER (JUDL):

This is a matter regarding compassionate appointment in favour of the applicant. Earlier he had moved this Tribunal in O.A.No.226 of 2012 for redressal of his grievance. This Tribunal vide order dated 9.3.2012 disposed of the said O.A. with the following direction.

“Since the representation of the applicant as at Annexure-9 is pending with Respondent No.2, we, at this stage, without entering into the merit of the case, deem it proper to send the case before the competent

Aleel

7

authority to take a decision first on the pending representation. As agreed to by the Ld.Counsel for the applicant, we direct Respondent No.2 to consider the pending representation dated 10.02.2012 as at under Annexure-9 taking into account the provisions of the DoP&T Memo dated 05.05.2003, by which the applicant's case can be considered for three times, and pass a reasoned order within 60 days from the date of receipt of copy of this order".

2. In compliance with the above direction of this Tribunal, the Respondents vide Annexure-A/8 dated 30.4.2012 have issued the order in the following manner.

"Having examined the same in details, it is indicated that your name was considered twice against the vacancies of the year 2008 and 2009 along with other candidates. Since number of the vacancies available in these two years for filling up on compassionate ground were not sufficient to accommodate you as per your merit position as per the guideline No.19(3)/2009/D(lab) dated 22.01.2010 as circulated under Ordnance Factory Board, Kolkata letter No.01/6th CPC/2010/PCC/A/A dated 11.08.2010 you could not be offered with appointment so far. You have been intimated about the same vide this Factory letter of even number dated 16.08.2009 and dated 04.05.2011.

It is also intimated that against the vacancies of year 2008, you had secured 35 marks and stood at 12th position out of 12 candidates, which was communicated to you vide Factory letter dated 16.8.2009. Further pursuant to the implementation of 6th Central Pay Commission (CPC) the scale of awarding destitute points have been revised by Govt. of India keeping in mind the revised pay scales and terminal benefits etc. and accordingly, have been awarded 54 marks which considering your name for the second time against the one vacancy of the year 2009. You stood at 8th position in the merit list of year 2009 which was communicated to you vide this Factory letter of even number dated 4.5.2011.

Further, your contention that had you been given 54 points from the very beginning you would have been at Sl. No.04 instead of at Sl.No.12 of the merit list is without any basis as the benefit of assessment on the revised scales of destitute points as per Ministry of Defence Instruction

Alod

8

No.19(3)/2009/D(lab) dated 22.1.2010 after implementation of 6th Central Pay Commission would have also accrued to other candidates, keeping your relative merit position same.

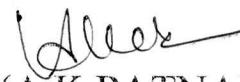
Your name is being considered for the third time against the vacancy of 2010 which is the last and final opportunity for consideration as per existing instructions and the outcome would be intimated to you in due course once it is finalized".

3. In the above background, the applicant has approached this Tribunal, inter alia praying for direction to Respondents to give an early appointment to him under compassionate ground.

4. We have heard Shri L.Pradhan, learned counsel for the applicant and Shri R.C.Behera, learned Addl.Central Govt. Standing Counsel for the Respondents on the question of admission. Since the Respondents vide their order dated 30.4.2012 Annexure-A/8 issued in pursuance of the order of this Tribunal in O.A.No.226/2012 have made it clear that the name of the applicant is being considered for the third time against the vacancy of the year 2010 the result of which would be communicated to him in due course, in our considered view, the instant O.A. is too premature to be entertained.

5. For the reasons aforesaid, the O.A. is rejected at the stage of admission. No costs.


(R.C.MISRA)
MEMBER(ADMN)


(A.K.PATNAIK)
MEMBER(JUDL)