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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00262 OF 2014

Cuttack this the 24th day of April, 2014

CORAM

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

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

.....

1. Ashis Kumar Mandal,
aged about 27 years,
Son of Anil Kumar Mandal,
2. Smt. Bhabani Mandal,
aged about 52 years,
W/o Anil Kumar Mandal,

Both are of At/PO.- Bad Palsa,
Via- Bahalda, PS- Tiring, Dist- Mayurbhanj.

...Applicant

(Advocates: Mr. D.K. Mohanty)

VERSUS

Union of India Represented through

1. Director General of Posts,
Ministry of Communications,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist- Khurda-751001.
3. Superintendent of Post Offices,
Mayurbhanj Division,
Baripada, Mayurbhanj.

... Respondents

(Advocate: Mr. S. Barik)

S. Barik

ORDER (ORAL)

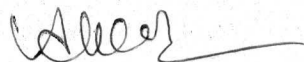
A.K.PATNAIK, MEMBER (JUDL.):

Copy of this OA has been served on Mr. S. Barik, Ld. Addl. CGSC appearing for the Respondents, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of Sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. D.K. Mohanty, Learned Counsel for the Applicant, and Mr. S. Barik, Ld. Addl. CGSC appearing for the Respondents, and perused the materials placed on record.

2. M.A.No. 310/14 filed for joint prosecution of this case is allowed. M.A. is, accordingly, disposed of.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying to quash the order dated 21.1.2013 and 07.02.2014 under Annexures- A/3 and A/5 and to direct the Respondents to consider the applicants case to provide employment on compassionate ground in favour of applicant No.1. The case of applicant No.1 is that after the premature death of his father, he applied for providing employment on compassionate appointment but without considering the indigent condition of the family and without making any comprehensive analysis his case has been turned down twice vide orders dated 21.1.2013 and 07.02.2014 respectively. However, he contended that as per the DoP&T Circular dated 05.05.2003, the case for compassionate appointment deserves consideration for three times.

4. Mr. S. Barik, Ld. ACGSC appearing for the Respondents, has no immediate instruction on the matter. However, he fairly submitted that




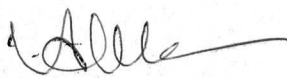
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the case for compassionate appointment can be considered for three times as per the DoP&T Circular.

4. Taking into account the various submissions made by Ld. Counsel for both the sides and the fact that the case of the applicants has been considered twice, we dispose of this O.A. directing Respondent No.3 to consider the case of the applicants for one more time and communicate the result thereof to the applicants in a well reasoned order within a period of 60 (sixty) days from the date of receipt of a copy of this order.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

6. As agreed to by Ld. Counsel for both the sides, copy of this O.A., along with the copy of this order, be transmitted to Respondent No. 3 by Speed Post at the cost of the applicant, for which Mr. Mohanty, Ld. Counsel for the applicant, undertakes to furnish the postal requisites by 29.04.2014. Free copies of this order be given to the Ld. Counsel for both the sides.


(R.C. MISRA)
MEMBER (Admn.)


(A.K. PATNAIK)
MEMBER (Judl.)