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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/00777 of 2014
Cuttack, this the 5th day of November, 2014

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

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A. Sunil Kumar Achary,
aged about 26 years,
S/o. Late A.Lachhi Murty Achary,
Resident of Babanpur, PO/PS- Aska,
Dist. Ganjam, Odisha.

...Applicant

(Advocates: M/s. B. Dash, P.K.Mohanty, N.C.Jena)

VERSUS

Union of India Represented through

1. Ministry of Health & Family Welfare Department,
New Delhi.
2. Director,
Ministry of Health & Family Welfare Department,
Govt. of India, Regional Leprosy Training and Research Institute,
Aska, At/PO- Aska, Dist. Ganjam.
3. Director General of Health Services,
(Lep. Division), Nirman Bhawan,
New Delhi- 110108.
4. Deputy Director General, (Leprosy),
Dte General of Health Services, Nirman Bhawan,
New Delhi- 110108.

...Respondents

(Advocate: Mr. P.R.J.Dash)

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ORDE R (ORAL)

R.C.MISRA, MEMBER (ADMN.) :

Heard Sri B.Dash, learned counsel for the applicant and Shri P.R.J.Dash,
learned ACGSC for the Respondents on the question of admission.

2. This Original Application has been filed in respect of an appointment on compassionate ground, for which an application has been made by the applicant to Respondent No.2, viz., Director, Ministry of Health Welfare, Regional Leprosy



Training & Research Institute, Aska. While the application for compassionate appointment is pending with Respondent No.2, it appears that he has made a reference to the Deputy Director General (Leprosy Division) of the Directorate General of Health Service, New Delhi vide letter dated 17.05.2013, copy of which is placed at Annexure-A/10 of the O.A. In this letter, the Director has reported to the DDG that the Committee constituted for considering the application for compassionate appointment has already met on 16.5.2013 and examined the various applications pending for consideration. He has also enclosed to the letter application in the revised format of the present applicant as well as another person along with the Committee's recommendations and other papers for consideration and approval of the competent authority. Learned counsel for the applicant has also brought to my notice that the Director of the Institute at Aska has also sent another reminder letter to the DDG on 16.12.2013, a copy of which is available at Annexure-11 of this O.A. Another reminder was also sent on 25.02.2014, but no response has been received from Respondent No.4. It is also interesting to note that vide letter dated 19.10.2012, the Director(Admn.) in the Office of Directorate General of Health Services, Leprosy Section has intimated to Respondent No.2 that the Director, RLTRI, Aska is the competent authority to make appointment in respect of Group-C and D employees. A mention has also been made that the matter regarding compassionate appointment may be considered by the Director as per the existing rules and regulations including the condition of 5% DR quota for compassionate appointment. This letter gives rise to an impression that the authorities are not in agreement with regard to the authority competent for making compassionate appointment. However, since the application as well as the recommendations of the Committee have already ^{been} ~~been~~ dispatched to the Respondent



No.4 for a decision, it is incumbent upon him to take a decision in this regard and communicate his decision in respect of the compassionate appointment to the applicant under intimation to Respondent No.2. While the consideration of appointment has to be within the scope of extant rules and regulations and also availability of vacancies within 5% DR quota, it is extremely important that the decision should be expeditiously taken particularly, in view of the fact that the reference regarding the subject has been pending in the Office of DDG since May, 2013. Therefore, without however, commenting upon the merits of the case, I direct Respondent No.4 to consider the pending application as well as the recommendations of the Committee in respect of the applicant and communicate his decision within a period of sixty days to the applicant as well as to respondent No.2 with a reasoned and speaking order.

3. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

4. As agreed to by learned counsel for both the sides, copy of this order along with paper book of OA be sent to Respondent Nos. 2 and 4 by Speed Post at the cost of the applicant, for which Shri Dash, learned counsel for the applicant shall file postal requisites by 7.11.2014. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)