

**No. M.A. 350/00001/2018
O.A. 350/00003/2018**

Date of order: 9.1.2018

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Ms. T. Maity, Counsel

For the Respondents : Ms. D. Nag, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Ms. T. Maity, Ld. Counsel for the applicant and Ms. D. Nag, Ld. Counsel for the official respondents.

2. The Miscellaneous Application No. 350/00001/2018 filed for joint prosecution is allowed.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

- “(i) An order directing the respondents to offer the compassionate appointment to the applicant No. 2 in relaxation of existing rules in the interest of justice.
- (ii) An order directing the respondents to dispose of the several representations of the applicants made from time to time particularly dated 12.7.2016 and 16.3.2017.
- (iii) An order directing the respondents to cancel, rescind, withdraw or set aside the purported order dated 6.9.2004 by an incompetent subordinate authority.
- (iv) An order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice.
- (v) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”

4. As prayed for by Ms. T. Maity, Ld. Counsel for the applicant, the husband of applicant No. 1 and father of applicant No. 2 died in harness after suffering from Cancer on 3.3.2002. The family of the deceased had to incur heavy amount for his treatment. After death of the deceased, the applicants filed several representations seeking compassionate appointment and after lapse of some time the applicant No. 2 was offered with a casual appointment, which was also subsequently discontinued. They preferred several representations, which is still pending

consideration.

5. Ms. Maity, Ld. Counsel fairly submits that the applicants have made a comprehensive representation to respondent No. 2 on 16.3.2017 but till date no response has been received from the said respondents and, therefore, the said respondent may be directed to consider the representation dated 16.3.2017 and take necessary measures for extending the benefits to the applicant.

6. I do not think it would be prejudicial to either of the side, if such an order is passed and, accordingly, I dispose it of without entering into the merits of the case by directing the respondent No. 2 to consider the representation dated 16.3.2017 if it is filed and is still pending consideration within a period of six weeks from the date of receipt of such representation. After such consideration, if the applicant's grievance is found to be genuine then expeditious steps may be taken for extending the appointment to the ward of the applicant under compassionate appointment quota within a further period of twelve weeks from the date of such consideration or the next Circle Relaxation Committee meeting, whichever is earlier.

7. With the aforesaid observation and direction, this O.A. stands disposed of.

8. As prayed for by Ms. Maity, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Ms. Maity undertakes to deposit necessary cost in the Registry by this Friday.

(A.K. Patnaik)
Judicial Member

SP