

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

Date of order : 1.7.2016

No. OA 350/02054/2015

- Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

BIRJU JESWARA @ JAISWARA

VS

UNION OF INDIA & ORS.

For the applicant : None

For the respondents : Mr.B.P.Manna, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved.

2. This application has been filed seeking the following reliefs :

- a) A direction may be given that the applicant will be appointed on compassionate ground by the respondent authorities.
- b) A direction may be given to the respondents to give appointment to the applicant on compassionate ground forthwith.
- c) The respondents may be directed to transmit and submit to the Hon'ble Tribunal all the records and papers in connection with the case.

3. The admitted position that could be culled out from the pleadings are that the applicant's case that was closed after three consideration applying DOPT OM dt. 5.5.03, was re-opened in terms of DOPT OM dated 16.1.13. The representation of the applicant dated 5.10.15 has been received by this department on 12.9.15 which is under consideration of the Board of Officers for compassionate appointment, as per the latest DOPT order dated 16.1.13 whereby the prescribed time limit of 3 years was withdrawn.

4. The respondents have emphatically declared that "it can be clearly noted from the photo copy of the Birth Certificate and Transfer Certificate which are annexed as A/3 that, the same were obtained from the issuing authorities on 10.4.1996 & 18.5.1998 respectively and during enquiry on 26.7.2001 not submitted the same but only declared the age of the applicant (Birju Jeswara).

Hence the case of the applicant's brother has scored as per the then guideline/Rules and further processed as stated above. Copy of the latest DOPT for compassionate appointment bearing F.No. 14014/02/2012-Estt (D) dated 16.1.2013 is annexed as Annexure R/6."


But they have also averred the following :

"It is also submitted that the applicant has not represented earlier and only the last representation dated 5.10.15 has been received which is under consideration."

5. Therefore in the interest of justice the OA is disposed of with a direction upon the respondents to consider the case of the applicant for employment assistance on compassionate ground on the basis of certificates already submitted by him, or the respondents may ask for the certificates that would be required for consideration in accordance with law.

6. Appropriate orders shall be passed as soon as Board of Officers meets and communicated to the applicant immediately thereafter.

7. Accordingly the OA stands disposed of. No order is passed as to costs.


(BIDISHA BANERJEE)
MEMBER (J)

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