

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00519/2016

Reserved on : 2.4.2019
Pronounced on:22.4.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER (A)

Sri Jugal Kishore Swain, aged about 40 years, S/o. Late Gouranga Charan Swain, At-Sishupara, Po. Badabahal, PS. Redhakhol, Dist. Sambalpur.

...Applicant

By the Advocate(s)-M/s.D.K.Mohanty, S.Nayak

-VERSUS-

1. Union of India represented through its Secretary, Govt. of India, Ministry of Home Affairs, Central Secretariat, New Delhi-110001.
2. Registrar General of India, Govt. of India, Ministry of Home Affairs, 21-A, Mansingh Road, New Delhi-110001.
3. Deputy Director, Census Operations Orissa, Govt. of India, Ministry of Home Affairs, Janpath, Unit-IX, Bhoi Nagar, Bhubaneswar.
4. Joint Director of Census Operation, Orissa, Janpath, Unit-IX, Bhoi Nagar, Bhubaneswar.

...Respondents

By the Advocate(s)- Mr.D.K.Mallick

ORDER

GOKUL CHANDRA PATI, MEMBER(A)

The OA has been filed for the following reliefs:-

- "(i) To quash order dated 12.01.2016 under Annexure-A/5;
- (ii) To direct the Respondents to immediately provide employment on compassionate ground to the applicant since the committee has already found the case of the

applicant is deserving one but not most deserving one compared to other similar requests;

- (iii) To pass any other order/orders as deem fit and proper."

2. The applicant's father expired in harness on 1.10.2013 while working as a MTS under the respondents. After his death, the applicant applied for compassionate appointment on 26.3.2014 (Annexure-A/4). The applicant is aggrieved since the respondents vide order dated 12.1.2016 (Annexure-A/5), rejected the case of the applicant since it was not found to be most deserving. It is stated in the OA that his father at the time of his death left behind the applicant and his younger brother who is suffering from 75% mental retardation as per the medical certificate dated 19.11.2013 and the family had to incur heavy loans for treatment of his father who was suffering from cancer. It is further stated that the respondent no.3, without enquiry about the condition of the family, sent the proposal to the respondent no.2 for consideration and his case was rejected.

3. The respondents, in their Counter, have stated that the applicant failed to secure 60 merit points which has been decided to be the cut off for consideration of the cases of compassionate appointment. The merit points are awarded based on different parameters like income of the family, movable/immovable property of the family etc. The respondents have also cited the judgment of Hon'ble Supreme Court in the case of State Bank of India & Anr vs. Raj Kumar in Civil Appeal No. 1641 of 2010 in support of their stand in the OA.

4. The applicant filed Rejoinder opposing the averments in the Counter. It is stated in the Rejoinder that no details have been furnished about the details of more deserving cases which were considered ignoring the applicant. It is further stated as per the letter dated 16.1.2018 of the respondents (Annexure_R/1 to the Rejoinder) enclosing the

recommendation of the Review Committee, to discontinue the provision of 60% cut off has been discontinued. It is further stated in the letter dated 16.1.2018 the cases of compassionate appointment where death occurred after 2006, should be reviewed after dropping 60% cut off merit points. It is stated that after the said letter dated 16.1.2018, the applicant has again furnished the details in the prescribed formula to the authorities on 15.3.2018 (Annexure-R/2), which is pending with the authorities.

5. I heard the learned counsels for both the parties, who broadly reiterated the contentions in their respective pleadings. Learned counsel for the respondents stated that the letter dated 16.1.2018 (Annexure_R/1 to the Rejoinder) is not applicable for the applicant, whose case has been decided by rejecting the case vide order dated 12.1.2016 (Annexure-A/5). It was also pointed out by the respondents' counsel that the case of the applicant was not recommended by the Committee vide the Minutes dated 7.1.2016 (Annexure-R/5 to the Counter).

6. On perusal of the material available on record as well as the Minutes dated 7.1.2016, it is seen that the reason for not recommending the case of the applicant, was that he failed to secure the merit point score of 60 which was the cut off score for treating a case to be most deserving. But it has been averred by the applicant in his Rejoinder that vide the letter dated 16.1.2018 (Annexure-R/1 to the Rejoinder), the respondents have decided to review the cases from 2006 onwards after dropping the cut off score of 60 merit points and the applicant has submitted his case afresh on 15.3.2018 (Annexure-R/2 to the Rejoinder).

7. In view of above discussions and taking into account the factual status of the case as available on record, this OA is disposed of with a direction to reconsider the case of the applicant as submitted by him on 15.3.2018 (Annexure-R/2 to the Rejoinder) in the light of the letter dated 16.1.2018 (Annexure-R/1 to the Rejoinder) and the rules applicable for

compassionate appointment and communicate the decision of the competent authority through a speaking order to the applicant within four months from the date of receipt of a copy of this order. There will be no order as to cost.

(GOKUL CHANDRA PATI)
MEMBER (ADMN.)

BKS