

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

04/12/2018

O.A./260/510/2018
FOR INTERIM PRAYER

S MOHANTA
-V/S-
D/O POST

ITEM NO:2

FOR APPLICANTS(S) Adv. : Mr. D.K. Mohanty

FOR RESPONDENTS(S) Adv.: Mr. C.M. Singh

| Notes of The Registry | Order of The Tribunal |
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| | <p>Heard Ld. Counsel for both sides.</p> <p>Ld. Counsel for the applicant submitted that the grievance of the applicant is for his employment on compassionate grounds for which he has given a representation dated 02.03.2018 (Annexure-A/7) to Respondent No.2 and the same is pending. Office Memorandum dated 05.09.2016 (Annexure-A/8) has been issued directing the authorities to reopen/reconsider the cases of compassionate appointment rejected solely on the grounds of marital status in terms of FAQ No.13 dated 30.05.2013 during the intervening period i.e., w.e.f. 30.05.2013 to 25.02.2015 on the ground of being married. It is further submitted by the Ld. Counsel for the applicant that it was the duty of the Respondents in a Welfare State to suo-motu reopen/reconsider the case of the applicant.</p> <p>Mr. C.M. Singh, Ld. Counsel for the Respondents submitted that the claim of the applicant cannot be considered because of the fact that the applicant was silent after his case was rejected in the year 2008. Applicant's Counsel replied that in view of O. M. dated 05.09.2016 his case deserves to be reconsidered.</p> <p>In view of the submissions made by the applicant and respondents' counsels, the O.A. is disposed of at this stage by directing the Respondent No.2/competent authority to consider the representation dated 02.03.2018 of the applicant as per the rules if the case of the applicant is covered under the DoP&T O.M. dated 05.09.2016 (Annexure-A/8) and the said representation dated 02.03.2018(Annexure-A/7) be disposed of by passing a speaking and reasoned order within two months of the receipt of copy of this order. It is made clear that we have not expressed any opinion on the merit of this case including</p> |

the question of delay, while passing this order.

The O.A. is disposed accordingly. No costs.

Copy of this order along with paper books be sent to Respondent No.2 by speed post at the cost of the applicant for which Ld. Counsel for the applicant has agreed to deposit the postal requisites by 05.12.2018.

Free copy of this order be given to Ld. counsel for both sides.

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| (SWARUP KUMAR MISHRA) MEMBER (J) | (GOKUL CHANDRA PATI) MEMBER (A) |
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