

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

R.A.No.260/2/2018

Date of Reserve:21.06.2019
Date of Order:18.09.2019

CORAM:
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Pramod Kumar Muguri, aged about 36 years, S/o. Late Manik Deep, At-Saradapalli, PO/PS-Gaisilet, Dist-Baragarh.

...Applicant
By the Advocate(s)-M/s.D.P.Dhalasamant
N.M.Rout

-VERSUS-

1. Steel Authority of India Limited, represented through its Managing Director, At/PO/PS-Rourkela, Dist-Sundergarh.
2. Chief Executive Officer, Steel Authority of India Ltd., Rourkela Steel Plant, At/PO/PS-Rourkela, Dist-Sundergarh.
3. Deputy General Manager (P&A), Steel Authority of India Ltd., Rourkela Steel Plant, A/PO/PS-Rourkela, Dist-Sundergarh.

...Respondents

By the Advocate(s)-Mr.J.Pattnaik
ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

This Review Application has been filed seeking review of the order dated 12.12.2017 passed in O.A.No.1019 of 2014 by virtue of which, this Tribunal dismissed the said O.A. on the grounds as under:

"9. In the present case the applicant has approached this Tribunal in the year 2014 after a gap of 23 years from the death of his father. It is quite obvious that the immediate need of the family has already been met and compassionate appointment in the present case is not to be considered as an immediate succour to the bereaved family. Consideration of compassionate appointment at this belated stage will be a travesty of the object of the scheme and also violative of right to equal opportunity among the meritorious candidates who will compete for the posts available in the RSP.

10. In view of the above, I find no merit in this Original Application, which is accordingly dismissed, with no order as to costs".

2. The above review application has been filed by the applicant in O.A. seeking review of the aforesaid order on the ground that this Tribunal without taking note of the order dated 31.07.2014 passed in T.A.No. 10 & 11 of 2013 of this Tribunal dismissed the O.A.No.1019 of 2014. According to review applicant, the findings of this Tribunal that the applicant has approached this Tribunal in the year 2014 after a gap of 23 years from the death of his father is not a fact and therefore, this is an error apparent on the face of the record. In this connection, the applicant has averred in the R.A. as follows:

"In this pretext it is humbly submitted that the applicant along with her mother had approached the Hon'ble High Court of Orissa in W.P.(C) No.1722/2009 which was transferred to this Hon'ble Tribunal on 10.4.2013 and was registered as T.A.No.10/2013, wherein they have prayed for compassionate appointment to the applicant. Since the compassionate appointment of her mother was rejected on the ground that she is not a matriculate.

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3. Further, in Paragraph-6 of the R.A., the applicant has averred as follows:

"6. That since the applicant was minor at the time of the death of deceased employee, the mother of the applicant had approached the Hon'ble High Court of Orissa in O.J.C.No.14981/1996 for a direction for compassionate appointment and the Hon'ble High Court of Orissa vide its order dated 05.07.2000 has been pleased to direct the respondents to consider the application for compassionate appointment. Pursuance to order of the Hon'ble High Court of Orissa, the respondents considered the case of the applicant and rejected the same vide order dated 06.10.2000 which has been annexed as Annexure-A/4 to the aforesaid O.A. The order of rejection for providing compassionate appointment was under challenge before the Hon'ble High Court of Orissa in O.J.C.No.17336/2001 which was transferred to this Hon'ble Tribunal and was numbered as T.A.No.11/2013. Both the TAs were heard together by this Hon'ble Tribunal and this Hon'ble Tribunal has been pleased to direct the respondents to consider the pending representation of the applicant and their prayer for giving compassionate appointment to the son of the deceased employee in accordance with extant rules. But the case of the applicant has been dismissed on the plea that the applicant approached this Hon'ble Tribunal after a gap of 23 years which is an error apparent on face of record, hence the same is liable to be reviewed".

4. On being noticed, the respondents have filed their objection to the O.A.

5. Heard the learned counsels for both the sides and perused the records. There is no doubt that prior to filing of this O.A., the applicants, as mentioned above, had approached the Hon'ble High Court of Orissa which subsequently, was transferred to this Tribunal. This Tribunal in both the TAs directed the respondents to consider the pending representation and since the representation was rejected by the respondents vide order dated 10.10.2014, the applicant had approached this Tribunal in O.A.No.1019/2014. This Tribunal while dismissing the O.A., has not taken note of the decisions of the Hon'ble High Court in the above mentioned OJC and the decision of the Hon'ble Supreme Court in Civil Appeal No.11881 of 2016 (Balbir Kaur & Another vs. Steel Authority of India Ltd.) and Civil Appeal No.118 of 1996 (Smt.T.K.Meenakshi & another vs. Steel Authority of India Ltd.). Therefore, there being error apparent on the face of the record, this R.A. deserves to be allowed and accordingly, the same is allowed. In view of this, the order dated 12.12.2017 passed in O.A.No.1019/2014 is hereby recalled. The O.A. No.1019/2014 is directed to be listed on to.....for hearing.

6. In the result, the R.A. is allowed as above, with no order as to costs.

7. Free copy of this order be made over to learned counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER(J)

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