

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

O.A. No. 180 of 2018

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)

Krushna Chandra Muduli, aged about 48 years, S/O-Late Sudarshan Muduli, At-Uttara Balisahi, PO-Gopinathpur, PS Pipili, Dist-Puri.

.....Applicant

-Versus-

1. Secretary, ICAR, Krushi Bhawan, New Delhi, PIN-110114.
2. Director, ICAR, Central Institute of Freshwater Aquaculture, Kaushalyagang, Bhubaneswar, Dist-Khurda-PIN-751005.

.....Respondents

For the Applicant : Mr. A. Mishra
For the Respondents: Mr. S. B. Jena

Heard & reserved on: 19.07.2019

Order on: 14.08.2019

O R D E R

Per Mr. Gokul Chandra Pati, Member(A):

The Original Application has been filed by the applicant seeks the following reliefs:-

“i) Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon'ble Tribunal may graciously be pleased to direct the respondents to provide appointment on compassionate ground in favour of the applicant.

OR Pass any other order/orders of direction/directions as this Hon'ble Tribunal may think deem fit and proper.

And allow this Original Application with cost.”

2. The facts in brief are that the father of the applicant, while working as Skill Supporting Staff under the respondents, expired on 05.12.2016. The applicant had submitted an application on 28.03.2017 for appointment on compassionate ground. On 15.07.2017(Annexure-A/4), the applicant was asked to submit the required documents, which were duly submitted by him vide letter dated 22.07.2017(Annexure-A/5). The applicant is aggrieved because of the fact that no action has been taken by the respondents in his case.

3. Counter has been filed by the respondents stating that averments of the applicant that he had no source of income is not correct as he is stated to be working under the respondents as a contractual staff, drawing Rs.18, 130/- per month. The applicant was engaged through a contractor. Hence, it was submitted in the counter that his case for appointment on Compassionate ground is not a deserving case to be considered. It is also submitted that the appointment for compassionate ground is extended when a deceased employee's family are continuing in distressed condition, which is not the case

in this instant case. Hence, averment of the applicant that the family members are living under financial distress is not correct.

4. The matter was heard on 19.07.2019. Learned Counsels for both the sides reiterated their stand as in the respective pleadings. Learned Counsel for the applicant agreed with the contention in the Counter filed by the respondents that the applicant is working as contractual employee under the respondents institution. He submitted that it was not a regular appointment and hence, his case for compassionate appointment is to be considered as per the rules.

5. It is submitted in the OA that the entire land of the applicant was acquired for construction of Central Institute of Freshwater Aquaculture. The applicant was working under a contractor for his livelihood and he is being engaged by contractor on daily wage basis. It is stated that the applicant and his family are continuing in financial stringency. As claimed by the applicant in the OA, he had applied an application for compassionate appointment on 28.03.2017 vide Para 4.5 of the OA. It is not disputed by the respondents, that the applicant was asked to submit certain documents vide letter 15.07.2017(Annexure-A/4) as stated Para 4.8 of the OA. It is stated in the Counter that from the documents submitted by the applicant, his case was not to be deserving for appointment on compassionate ground as more deserving candidate have been waiting for appointment on the same ground.

6. Since the application has been made by the applicant for compassionate appointment, the case for appointment is required to be examined as per extant rules applicable for compassionate appointment. The application is required to be examined from different parameters as specified in the scheme and appropriate order is required to be passed by the competent authority about the fate of the applicant's application. Although, it is mentioned in the counter that the applicant's case was not a deserving case and more deserving cases are pending, it is noticed that no final decision has been taken by the competent authority on merit in accordance of extant rules applicable for compassionate appointment.

7. In view of the above, the OA is disposed of without expressing any opinion on the merit of the case, with direction to the respondents/competent authority to consider the case of the applicant in accordance with the scheme for compassionate appointment and dispose of the same by passing a speaking and reasoned order, copy of which be communicated to the applicant within a period of four months from the date of receipt of copy of this order.

8. The OA is disposed of accordingly, with no order as to costs.

(Gokul Chandra Pati)
Member(Admn.)