

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 23475 of 2013

Dillip Kumar Mohanta

.....

Petitioner

Mr. U.K. Samal, Adv.

Vs.

Union of Indian and another

.....

Opposite Party

Mr. P.K. Parhi, ASGI

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

16.03.2022

Order No.

7.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition assailing the order dated 01.05.2013 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260 of 2013 under Annexure-6, by which the tribunal rejected the claim of the petitioner on the ground of delay and laches.

4. Mr. Barik, learned counsel appearing on behalf of Mr. U.K. Samal, learned counsel for the petitioner vehemently contended that the claim of the petitioner could not have been rejected by the tribunal on the ground of delay and laches, rather on a pragmatic approach the tribunal should have proceeded with the matter to extend the benefits as due and admissible to the petitioner. It is contended that since the petitioner claims for compassionate appointment, which has been denied by the tribunal on a technical ground, the same cannot sustain in the eye of law.

5. Mr. P.K. Parhi, learned Asst. Solicitor General of India contended that the relief having been claimed by the petitioner after the limitation period prescribed, the tribunal is well justified in rejecting his claim, which does not warrant interference by this Court.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner, who is the son of late Satish Chandra Mohanta of village-Kesharpur, Dist-Mayurbhanj filed original application before the tribunal stating that while working in Geological Survey of India, Eastern Region, his father died prematurely on 29.12.1995. Thereafter, appointment on compassionate ground was sought in favour of the elder son of the deceased employee, which was rejected vide letter dated 18.11.2004. The petitioner, who is the second son of the deceased employee, became major in the year 2011 and submitted representation before the authority on 24.12.2012. Due to inaction of the authority, the petitioner approached the tribunal by filing original application on 04.03.2013 praying to quash the letter dated 18.11.2004, and to issue direction to the opposite parties to give him engagement/appointment on compassionate ground within a stipulated time. While entertaining the original application, the Registry of the tribunal pointed out that the original application suffers from limitation and, as such, no separate application was filed seeking condonation of delay. But fact remains, the appointment on compassionate ground is not another source of recruitment but merely an exception to the aforesaid requirement taking into consideration the fact of death of employee while in service leaving his family without any means of livelihood. In such cases, the object is to enable the family to get over sudden financial crisis. But such appointment on compassionate ground has to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. In any case, since the original application was filed after eighteen years of death of the government employee, merely by making a

representation that too by the second son of the deceased seeking to quash the letter dated 18.11.2004, the same suffers from delay and laches. As such, the order passed by the tribunal is well justified and does not warrant any interference of this Court.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE

