

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 25527 of 2017

Pratap Kumar Choudhary

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

Union of India & Ors.

.....

Opposite Parties

Mr. D.K. Sahoo-1, CGC (O.P. No.1) &

*Mr. T.K. Satapathy, ALC
(O.P. Nos. 2 to 4)*

CORAM:

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

24.08.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. The present Writ Petition has been filed with a prayer to direct the Opposite Parties to give appointment to the Petitioner under the Scheme for Compassionate Appointment, as per Office Memorandum dated 07/08.10.2013, as at Annexure-4, or regularize him as he is working since 01.04.2009.

3. Pursuant to Notice, the Opposite Party Nos. 2 to 4 have filed a Counter Affidavit and, vide Paragraphs 9 and 14 of the said Counter Affidavit, it has been stated as follows:

“ 9. That as regard to the para-9 of the writ application it is humbly submitted that the list of the appointments made under Compassionate Appointment Scheme in regular service and the list of the candidate awaiting for appointment under Compassionate Appointment Scheme has been prepared by the Paradip Port Trust. It may be seen from the said list that the petitioner had requested for enlistment of his name on 22.11.2006 under Sl. No. 87. It is further more explained here that as per the list of

compassionate appointment of candidates vide Annexure-B/1 clearly evident that no such compassionate aspirants have been regularized after the serial number of the petitioner and date of application. However, new seniority list is under preparation treating date of death/invalidation as the basis for such seniority.”

14. That as regard to the para 14 of the writ application it is humbly submitted that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Govt. servant in order to relieve it from economic distress. The main objective of the Scheme is for dependent family member of a deceased port Employee either dye in harness or invalidated on medical grounds, thereby leaving him family in penurious condition and without any means of livelihood, to provide relief to the family or the port Employee concerned form financial destitution and to help it get over the emergency. It is a fact that petitioner has been engaged as contract worker the father of the petitioner is till drawing the pension and managing for long period of 11 years for which this case may not be equated with family that has no means of livelihood and deserves the regular appointment under the Scheme. However, the name of the petitioner will be considered along with other candidates for filing regular post meant for compassionate candidates as per the seniority and rules in vogue.”

4. Since the Petitioner’s case for Compassionate Appointment is awaited in terms of his turn indicated in Annexure-B/1 at Serial No.87 of the Counter Affidavit, the learned Counsel for the Petitioner fairly conceded before this Court that in view of such averments made in the Counter Affidavit, as quoted above, this Writ Petition may be disposed of.

5. Accordingly, the Writ Petition stands disposed of.
6. Needless to mention here that the Opposite Party Nos. 2 to 4-Management will do the needful in terms of the Scheme, as at Annexure-4, at the earliest.

(S.K. MISHRA)
JUDGE

Padma/Banita

