

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.19071 of 2019

Mamata Panda

.....

Petitioner

Ms. Deepali Mahapatra, Adv.

Vs.

Union of India and others

.....

Opposite Parties

Mr. P.K. Parhi, ASGI

(O.Ps.1-3)

Mr. N.R. Routray, Adv.

(for O.P. No.4)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

19.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Ms. Deepali Mahapatra, learned Counsel appearing for the Petitioner and Mr. N.R. Routray, learned Counsel for Opposite Party No.4.

3. The Petitioner has filed this Writ Petition to quash the Order dated 19.09.2019 passed in O.A. No.211 of 2018, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack, has disallowed the claim of the Petitioner for compassionate appointment.

4. In paragraph-12 of the Order dated 19.09.2019 passed in O.A. No.211 of 2018, the Tribunal held as follows:

“12. As per the aforesaid Legal Heir Certificate dated 9.4.2018, the applicant in O.A. No.635/17 is the widow of the deceased employee and the applicant in O.A. No.211/18 is the daughter of the deceased employee. Hence, it is clear that both the applicants have their respective rights in accordance with the law. In these O.As, the question, therefore, to be decided is who among the applicants of both the O.As. will have the first right for compassionate appointment under the extant rules applicable to the Railways.”

5. The Petitioner has pleaded in paragraph-12 of the Writ Petition to the following effect:

“12. That it is respectfully submitted that the learned Tribunal while passing the impugned the order have lost its sight that the Opp. party no.4 is now over aged and every likelihood that she may not be eligible to get appointment. In that situation, the Opp.party no.4 will not suggest the name of t he Petitioner for appointment as she has suppressed the fact that Petitioner is one of the daughter of her husband. Under such circumstances direction be issued to the effect that in case the Opp. party no.4 will fail to get an appointment then the Petitioner be given appointment under the Compassionate Scheme.”

6. Mr. N.R. Routray, learned Counsel appearing for Opposite Party No.4 contended that in view of the statement made in Paragraph-12 of Writ Petition, Opposite Party No.4 has already joined in service in 2019. Therefore, the relief sought by the Petitioner in the present Writ Petition cannot be granted at this stage.

7. Having heard learned Counsel for the Parties and after going through the records, since the relief has been granted to Opposite Party No.4 by giving her compassionate appointment, nothing remains to be adjudicated in the present Writ Petition.

8. Accordingly, the Writ Petition merits no consideration and the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Alok/Padma