

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00920/2017

Thursday, this the 5th day of December, 2019.

CORAM

Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

P.P.Sreekumar, aged 28 years,
S/o Late P.K.Purushan,
Residing at Pazhayatti Parambu,
Manjummel P.O., Ernakulam.

Applicant

(Advocate: Mr. R.Sreeraj)

versus

1. Union of India represented by
its Secretary to the Government of India,
Ministry of Defence, New Delhi-110 001.
2. The Engineer-in-Chief,
Military Engineer Services,
Kashmir House, Rajaji Marg,
New Delhi-110 001.
3. The Chief Engineer Southern Command,
Military Engineer Services,
Headquarters, Pune-411 001.
4. The Chief Engineer (NW) Kochi,
Military Engineer Services,
Naval Base, Kataribagh,
Kochi-682 004.

Respondents

(Advocate: Sri E.N.Hari Menon, ACGSC)

The OA having been heard on 5th December, 2019, this Tribunal delivered the following order on the same day:

O R D E R (oral)

Heard both sides for some time.

Sri R.Sreeraj, learned counsel on behalf of the applicant submitted that as per the directions of this Tribunal in OA No.576/2014, ordering that mere possession of an immovable property would not attract negative marks as obtaining income from such property need not be taken as a necessary corollary to possession of property. Acting on this direction, the respondents have granted appointment to the applicant therein, by name, Sri P.S.Sujithkumar. Sri Sreeraj invited the Tribunal's attention to the grading sheets submitted as Annexure R4 wherein it is seen that the applicant in this case had obtained 52 marks in total, whereas Sri Sujithkumar, the applicant in OA No.576/2014, had obtained 51 marks. As already mentioned in the case of Sri Sujithkumar, a fresh look was taken and after excluding the negative marks that had been put against his name for possession of immovable property, he was adjudged as having got 59 marks and was given the posting. Learned counsel for the applicant seeks the same consideration for the applicant in this case, by name Sri P.P.Sreekumar. He mentions that in the reply statement filed on 5th March, 2018, Annexure R1 had been added, which was a copy of the speaking order declining the application of Sri P.P.Sreekumar, where it is clearly stated as follows:

“Monthly income of Rs.500/- and from property (and) worth Rs.1,60,000/-”

2. Sri R.Sreeraj requests for the same analogy to be adopted in this case, as had been done in the case of the applicant in OA No.576/2014.

3. Heard Sri E.N.Hari Menon, learned ACGSC, on behalf of the respondents.

4. This Tribunal is of the view that the OA can be disposed of directing the respondents to examine the case of the applicant with respect to the above directions. His eligibility may be re-assessed in line with our orders above and appropriate orders issued within two months of the receipt of this order. Ordered accordingly. OA stands disposed of.

**(E.K.Bharat Bhushan)
Administrative Member**

aa.

Annexures filed by the applicant:

- Annexure A1: Copy of the representation dated 22.5.2013 submitted by the mother of the applicant to the 4th respondent.
- Annexure A2: Copy of the order No.120051/4960/EIB(NB) dated 9.10.2015 issued on behalf of the 4th respondent.
- Annexure A3: Copy of the order No.120051/5053/EIB(NB) dated 15.9.16 issued on behalf of the 4th respondent.
- Annexure A4: Copy of the order No.120051/5098/EIB(NB) dated 25.10.16 issued on behalf of the 4th respondent.
- Annexure A5: Copy of the OM No.14014/3/2005-Estt(D) dated 14.6.2006 issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training.

Annexures filed by the respondents:

- Annexure R1: Copy of the letter No.120051/5271/EIB(NB) dated 16 Nov 2017.
- Annexure R2: Copy of the Policy Letter F.No.19(3/2009/D (Lab) dated 14.5.2010.
- Annexure R3: Copy of the letter dated 22.1.2010 issued by the Govt. of India, Ministry of Defence on marking system.
- Annexure R4: Copy of proceedings of the Board for Compassionate Appointments for the year 2016-17.
- Annexure R5: Copy of the OM No.14014/02/2012-Estt(D) dated 16.1.2013.
- Annexure R6: Copy of the O.M. No.14014/3/2011-Estt (D) dated 26.7.2012.
- Annexure R7: Copy of CAT judgment dated 15 March, 2017.