

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00017/2021**

Tuesday, this the 12<sup>th</sup> day of January, 2021

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

**HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Nikhil O.N

Aged 25 years, S/o.Late Krishnan M

Residing at Neethu Nivas

Muthukuda, Pattuvam (PO), Kannur District

Kerala State, Pin – 670 143

...Applicant

(By Advocate Mr.M.V.Thamban)

**v e r s u s**

1. Union of India  
Represented by the Secretary  
Ministry of Water Resources, RD & GR  
Shram Shakthi Bhavan, Rafi Marg  
New Delhi – 110 001
2. Central Water Commission  
Sewa Bhavan  
R.K Puram, New Delhi, Pin – 110 066  
Represented by its Chairman
3. The Chief Engineer (HRM)  
Central Water Commission  
Sewa Bhavan  
R.K Puram, New Delhi , Pin 110 066
4. The Chief Engineer

Cauvery and Southern rivers Organisation  
 Central Water Commission  
 Sangamam, Gandhi Maanagar  
 Peelamedu (PO), Coimbatore, Tamil nadu, Pin – 641 004

5. The Superintending Engineer (Co-Ordination)  
 Cauvery and Southern Rivers Organisation  
 Central Water Commission  
 Office of the Chief Engineer  
 Sangamam, Gandhi Maanagar  
 Peelamedu (PO), Coimbatore, Tamil Nadu, Pin – 641 004

6. The Superintending Engineer  
 Cauvery and Southern Rivers Organisation  
 Central Water Commission  
 Jala Soudha, Jalahalli, Bangalore, Pin -560 013

7. Executive Engineer  
 South Western River Division  
 Central Water Commission  
 'Jaladhara ', 27/1927-A, Kasturba Nagar  
 Kochukadavanthra, Kadavanthra (PO),  
 Ernakulam, Kerala, Pin – 682 020

....Respondents

(By Advocate : Mr.C.P.Ravikumar, ACGSC)

This application having been heard on 12.1.2021, this Tribunal on the same day delivered the following :

### **ORDER )ORAL)**

### **HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

Applicant's father Sri.M.Krishnan, Out Board Engine Driver died on 27.1.2017 leaving his family in penury and without any other means of livelihood. He is survived by his wife, daughter and two sons. The applicant had submitted application

for compassionate appointment on 3.10.2017 with the consent of his sister, brother and mother. Aggrieved by the delay in considering the applicant for compassionate appointment, the applicant's mother has approached the 7<sup>th</sup> respondent and filed Annexure A4 representation, praying to expedite the steps for granting compassionate appointment to the applicant. The 7<sup>th</sup> respondent has not taken any action. So far no intimations were issued to the applicant regarding the progress of the application of the applicant for compassionate appointment under the respondents. The applicant has filed Annexure A6 representation before the respondents, complaining the delay in granting compassionate appointment to the applicant and praying to grant compassionate appointment to him at the earliest. The applicant prays for the following reliefs:

*"(i) To issue a declaration that the applicant is fully deserving and qualified to be considered for compassionate appointment under the 2<sup>nd</sup> respondent and the delay on the part of the respondents in considering the application of the applicant seeking compassionate appointment is to the applicant is illegal, arbitrary and discriminatory*

*(ii) To issue a direction, directing the respondents to consider the applicant for compassionate appointment under the 2<sup>nd</sup> respondent*

*(iii) to award the cost of this proceedings to the applicant*

*(iv) To issue such other orders as this Hon'ble Tribunal may deem fit and necessary in the interest of equity and justice. "*

2. When the matter came up for consideration, it is noticed that Annexure A-6 representation is still pending and no reply has been given by the department so far. Hence the remedies available to the applicant are not fully exhausted. Hence **the respondents are directed to consider Annexure A-6 representation in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

3. The **Original Application is disposed of as above at the admission stage itself.** No costs.

**(K.V.EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)**  
**JUDICIAL MEMBER**

**SV**

**List of Annexures**

Annexure A1 - True copy of the legal heirs certificate No.G1.9292/17/K dated 31.8.2017 issued by the Tahsildar, Taliparamba

Annexure A2 - True copy of the service certificate dated 18.5.2017 in respect of Shri.M.Krishnan

Annexure A3 - True copy of the relevant portion of the application dated 3.10.2017 of the applicant

Annexure A4 - True copy of the letter dated 15.7.2019 of the applicant's mother filed before the 7<sup>th</sup> respondent

Annexure A5 - True copy of the letter No.A-12012/1/2013-Admn/1168-1169 dated 8.7.2020 of the 5<sup>th</sup> respondent

Annexure A6 - True copy of the representation dated 14.9.2020 of the applicant.

. . .