

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00503/2021

Tuesday, this the 5th day of October, 2021

CORAM:

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

1. Smt.Pankajam Mohanan,
Aged 54 years, W/o late Mahanan P.A.
(Superintendent of Customs Preventive, Customs House,
Cochin), residing at Kappasseryparambil Pavannur (H),
Choondal P.O., Trichur – 680502.
2. Deepak P.Mohanan,
Aged 21 years, S/o late Mohanan P.A.,
Residing at Kappasseryparambil Pavannur (H),
Choondal P.O., Trichur – 680502. - Applicants

(By Advocate: Mr.T.C.G. Swamy, Ms.Kala T. Gopi & Ms.Sreekala T.N.)

Versus

1. Union of India represented by Secretary to
Government of India, Ministry of Finance,
Department of Revenue,
North Block, New Delhi- 110 001.
2. Central Board of Indirect Taxes and Customs,
Government of India, Ministry of Finance,
Department of Revenue, North Block, New Delhi
- 110 001, representd by its Chairman.
3. The Commissioner of Customs, Customs House,
North End, Wellington Island, Kochi- 682009. - Respondents

(By Advocate: Mr.S.R.K. Prathap, ACGC)

The O.A having been heard on 5th October, 2021 through video conference,
this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicants seeking the following reliefs:

- “(a) Declare that the inaction on the part of the respondents to consider the 2nd applicant for appointment on compassionate grounds, commensurate with his educational qualification is arbitrary, discriminatory, contrary to law and hence unconstitutional;*
- (b) Direct the respondents to consider and grant the 2nd applicant an appointment on compassionate grounds commensurate with his educational qualification within a timeframe as may be found just and proper by this Hon'ble Tribunal;*
- (c) Award costs of and incidental thereto;*
- (d) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal.”*

2. The brief facts of the case are as under:

The 1st Applicant is the widow, and the 2nd applicant is the son of late Mohanan P.A who passed away on 26.09.2020 while in the service of the respondents, leaving behind the applicants as also an unmarried daughter. The grievance of the applicants relates to non-consideration of the 2nd applicant for an appointment on compassionate grounds in accordance with the consolidated instructions issued vide Annexure A3 and A4 by the Government of India. Hence, the applicants have approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that the representation filed by the applicant is still pending before the competent authority without taking any decision and no impunged order is passed by the authorities concerned. So remedies are not exhausted.

4. Adv.Mr.S.R.K. Prathap takes notice on behalf of the respondents and submits that respondents have no objection in considering the representation.

5. In view of the above submission, **the Competent Authority is directed to consider the representation for compassionate appointment filed on 15.10.2020 in the light of the relevant rules, regulations and guidelines and pass a speaking and reasoned order within a period of three months.**

6. The Original Application is disposed of as above at the admission stage itself without going into the merits. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

Annexure A1 - True copy of the Application duly filled in for appointment on compassionate ground dated 15.10.2020.

Annexure A2 - Application for grant of ex-gratia financial assistance.

Annexure A3 - A true copy of the Office Memorandum F.No.14014/02/2012-Estt.(D) dated 16.01.2013, issued by the Government of India, Ministry Personnel, Public Grievances & Pensions, DOPT.

Annexure A4 - A true copy of the Office Memorandum F.No.43019/9/2019-Estt.(D) dated 23.08.2021, issued by the Government of India, Ministry Personnel, Public Grievances & Pensions, DOPT.

...