

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 440/2005

Thursday, this the 24th day of November, 2005.

CORAM :

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

Riju Kappanakkal,
S/o. Late A. Kunjambu,
Punchakkara House,
Kunian P.O., Karivalloor,
Kannur : 670 521

... **Applicant.**

(By Advocate Mr. V.B. Harinarayan)

Versus

1. Union of India represented by its
Secretary to Government,
Ministry of Defence, New Delhi.

2. The Air Officer,
Air Headquarters,
Vayubbavan, New Delhi : 110 001

3. The Commanding Officer,
750, Signal Unit,
Air Force, C/o. 56 APO.

... **Respondents.**

(By Advocate Mr. B. Parameswaran Nair, ACGSC)

The application having been heard on 24.11.2005, the Tribunal on the same day delivered the following :

ORDER (Oral)
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant submitted an application dated 3.3.2004 for appointment on compassionate ground in any of the Group 'C' posts consequent on death



of his father, who was a civilian employee under the respondents. The application submitted by the applicant was rejected twice on similar ground and finally, the respondents again rejected the application of the applicant for the third time vide A/4 order stating that the merit ranking secured by him is lower to those who were selected. The case of the applicant is that the A/4 order was issued without proper application of mind. He submitted that even belated application was to be entertained and included in the selected candidates. The applicant contended that his request was genuine but the same was not considered in a just and proper manner.

2. When the matter came up for hearing for the first time on 13.6.05, Mr. P. Parameswaran Nair took notice on behalf of the respondents and sought time to get instructions and also to file reply statement. Thereafter, on many occasions time was given. Finally, on 10.11.2005 when the case was taken up, he was given two weeks' time to file the reply statement as last chance. Today also, when the case was taken up, learned counsel for the respondents submits that he has not received any instructions from the respondents. At this juncture, learned counsel for the applicant urged that he will be satisfied if a limited direction is given to the 2nd respondent to consider applicant's A/1 application afresh and pass appropriate orders thereon. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.
3. Recording the above submission made by the applicant's counsel and without adverting to the merit of the case, I direct the second respondent to consider the A/1 application submitted by the applicant afresh and pass appropriate orders within one month from the date of receipt of a copy of this order. The applicant may also forward a copy of this OA alongwith its enclosures to the second respondent as an abundant caution.



4. The Original Application is disposed of as above with no order as to costs.

(Dated, the 24th November, 2005.)



K.V.SACHIDANANDAN
JUDICIAL MEMBER

cvr.