

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 448 OF 2009**

*Thursday, this the 30<sup>th</sup> day of July, 2009.*

**CORAM:**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

**HON'BLE Ms. K.NOORJEHAN, ADMINISTRATIVE MEMBER**

1. Smt. Omana Amma  
Venattu, Peringilipuram P.O  
Chengannur, Pin - 689 624

2. Ambili Mahadevan  
Venattu, Peringilipuram P.O  
Chengannur, Pin - 689 624

... **Applicants**

(By Advocate Mr. B Sajeev Kumar )

versus

1. Union of India represented by Secretary  
Ministry of Defence (Navy) (DCP)  
New Delhi - 110 011

2. The Chief of the Naval Staff  
(For DCP)  
Naval Headquarters  
New Delhi - 110 011

3. Flag Officer Commanding-in-Chief  
Head quarters  
Southern Naval Command  
Kochi - 682 004

... **Respondents**

(By Advocate Mr. TPM Ibrahim Khan, SCGSC )

The application having been heard on 23.07.2009, the Tribunal  
on 30-07-09 delivered the following:

**ORDER**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

In the earlier OA No.59/07 filed by the applicants herein, this  
Tribunal passed the following order:-

" Again, attempt may be made to forward the case of the  
applicant to one or two Ministries so that in case there be  
any vacancies under Compassionate appointment quota,  
the ministries may consider the same.

In case the respondents consider the case of the applicant under the liberal 5% vacancies and if the applicant's case comes within the parameters for compassionate appointment on the basis of the points scored, the applicant's daughter be considered for appointment against a suitable post. In the event of the case of the applicant not coming within the merit even after applying the liberal formula, the applicant be suitably informed.

2. The respondents have in pursuance of the above order passed Annexure A-12 impugned order giving in detail the reasons for rejection of the case of the applicants for compassionate appointment. The applicants have in this OA challenged the aforesaid order stating that the respondents have not carried out the directions of this Tribunal, viz., referring the matter to one or two Ministries as contained in Para 8 of our earlier order.
  
3. With a view to ascertain the position, we have called for relevant records which have been produced. From the perusal of the records it is seen that in pursuance of our earlier order, the respondents have considered the case of the applicants for the 4th time and the applicant ranks 16. There are a number of other applicants whose cases are more genuine and as such they could not refer the case of the applicant in exclusion of others to other departments. In our earlier order what we observed in Para 8 was only a suggestion, and discretion has been given to the respondents. As such, their decision in not forwarding the case of the applicants to other Ministries, in view of more deserving cases being with them, is fully justified. Compassionate appointment is not a vested right as held by the Apex Court in a number of cases. As such, this Tribunal cannot direct the respondents to give any special concession to the

applicant just because the applicants have approached this Tribunal. The action taken by the respondents thus being fully justified, we have no alternative but to reject the OA. No costs.

Dated, the 30<sup>th</sup> July, 2009.

*mm*  
K.NOORJEHAN,  
ADMINISTRATIVE MEMBER

*W.S.Rajan*  
Dr.K.B.S.RAJAN  
JUDICIAL MEMBER

vs