

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.539/05

Thursday this the 22nd day of June 2006

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

V.Vidhyadharan,
Vidhunamkottuputhan Veedu,
Pathanapuram, Venchempu P.O.,
Punalur, Kollam.

...Applicant

(By Advocate Mr.Murali Purushothaman)

Versus

1. Union of India represented by Secretary to Government, Department of Agriculture, Central Government Secretariat, New Delhi.
2. National Research Centre for Oil Palm, Near Jawahar Navodaya Vidyalaya, West Godavari District, Pedavegi, Andhra Pradesh – 534 450.
3. The Director, National Research Centre for Oil Palm, West Godavari District, Pedavegi, Andhra Pradesh – 534 450.
4. The Scientist-in-charge, National Research Centre for Oil Palm, Regional Station, Palode – Pacha, Thiruvananthapuram – 695 562.
5. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, Dr.Rajendra Prasad Road, New Delhi – 110 001. ...Respondents

(By Advocate Mr.C.N.Radhakrishnan [R2-4] &
Mr.T.P.M.Ibrahim Khan, SCGSC [R1])

This application having been heard on 22nd June 2006 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant's wife died in harness while working as Mazdoor under the 4th respondent on 19.7.2001. The applicant submitted an application dated 20.8.2001 (Annexure A-2) requesting for a suitable appointment in the respondent institution under the dying-in-harness scheme. According to the applicant, he has passed S.S.L.C and he is 41 years old. After several representations and reminders the applicant was informed that his appointment was under active consideration vide letter dated 2.2.2002. The applicant waited and requested the respondents for early disposal of the representations but nothing was heard from the respondents. After waiting for years he was intimated by Annexure A-8 that his request could not be acceded to since he had crossed the upper age limit of 35 years for entering Government service, therefore, he was constrained to approach this Tribunal.

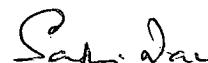
2. The respondents have filed a reply statement. There is no dispute with reference to the facts that the applicant had completed 41 years as on the date of death of his wife on 19.7.2001 and hence he was clearly over aged. According to the Rules, relaxation can be granted by the competent authority with regard to the compassionate appointment and the Director General, I.C.A.R is the competent authority. It has also been submitted that the matter has been taken up with the Director General, I.C.A.R.

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3. When the matter came up for hearing today, counsel for the applicant submitted that since the question of relaxation is now pending with the Director General, I.C.A.R, who is the competent authority, he will be satisfied if a positive direction is given to that authority to consider the relaxation, if the applicant is otherwise eligible for appointment.

4. Accordingly, in the interest of justice, I direct the 5th respondent, Director General, I.C.A.R, to consider the case of the applicant, in accordance with rules, for relaxation of the upper age limit if he is otherwise eligible for appointment and communicate a decision to the applicant within a period of two months from the date of receipt of a copy of this order. The O.A. is disposed of. No order as to costs.

(Dated the 22nd day of June 2006)


SATHI NAIR
VICE CHAIRMAN

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