

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 56/99

Thursday, this the 18th day of March, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

M.P. Hemalatha,
D/o. Late Smt. M.C. Janaki,
Mangattunjilil House,
Irunilamcode P.O.,
Mullurkara,
Trichur District.

...Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

1. Union of India represented by
The Secretary to the Government of India,
Ministry of Railways,
Rail Bhavan,
New Delhi.
2. The General Manager,
Southern Railways,
Headquarters Office,
Park Town P.O.,
Madras - 3.
3. The Executive Engineer,
Southern Railway (Construction),
Ernakulam.
4. The Chief Engineer,
Southern Railway,
Construction,
Egmore, Madras.

...Respondents

By Advocate Mr.K. Karthikeya Panicker

The application having been heard on 18.3.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to quash A-1 and to direct the
respondents to offer her compassionate appointment against any
post commensurating with her educational qualification and
suitability.

2. The applicant is the daughter of M.C. Janaki, woman mazdoor (treated as temporary) who passed away while in service under the respondents on 4.7.1989. In pursuance to her representation dated 12.7.96, A-1, the impugned order was issued by the Chief Engineer, Construction, Madras, the fourth respondent.

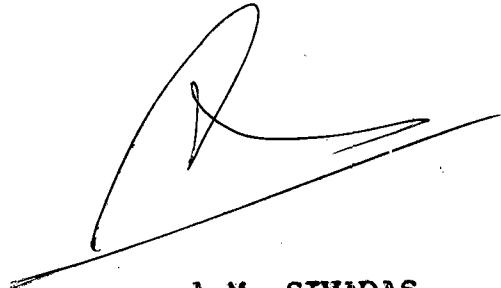
3. It is specifically contended in the O.A. that no reason is assigned in A-1 for denying compassionate appointment to the applicant. From a reading of A-1, it is clearly seen that no reason is assigned for rejecting the request of the applicant for compassionate appointment. It is needless to say that when an order is passed detrimental to the person concerned, it should necessarily contain the reasons on which it has been rejected. An order which is subject to judicial review should contain reasons for the reason that if reasons are not stated it will not be possible for the authority sitting in judicial review to know on what ground, the decision has been taken. Since A-1 does not contain the reason for rejecting the request of the applicant, the same is liable to be quashed.

4. Subsequent to the impugned order A-1, the applicant has submitted a representation to the second respondent for redressal of her grievance. The same is not disposed of so far. The learned counsel appearing for the applicant submitted that since A-8 is not comprehensive, the applicant may be permitted to make a fresh comprehensive representation to the second respondent. The learned counsel appearing for the respondents submitted that there is no objection in permitting the applicant to submit a comprehensive representation to the second respondent.

5. Accordingly, A-1 is quashed. The applicant is permitted to submit a comprehensive representation to the second respondent within two weeks from today. If such a representation is received, the second respondent shall consider the same and pass a speaking order within four months from the date of the receipt of the representation.

6. O.A. is disposed of as above. No costs.

Dated the 18th day of March, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

nv
18399

LIST OF ANNEXURES REFERRED TO IN THE ORDER

Annexure A-1:

True copy of the letter No.P.407/I/CN/CG¹/Vol V dated 17.12.1997 issued by the 4th respondent.

Annexure A-8:

True copy of the representation dated 18.5.1998 submitted by the applicant to the 2nd respondent.