

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.555/2000

Monday, this the 29th day of May, 2000.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

M.P.Hemalatha,
D/o late M.C.Janaki,
Mangattunjalil House,
Irunilamcode.P.O.
Mullurkara,
Trichur District.

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the Secretary to the Govt. of India,
Ministry of Railways,
Rail Bhavan,
New Delhi.
2. The General Manager,
Southern Railway,
Head Quarters 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 29.5.2000, the Tribunal
on the same day delivered the following:

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O R D E R

The applicant seeks to quash A-14 and to direct the respondents to offer her compassionate appointment commensurating with her educational qualification and suitability.

2. This is for the second time the applicant is approaching this Bench of the Tribunal. Earlier the applicant filed O.A.56/99 for quashing A-1 therein which is A-6 herein. That O.A. was allowed quashing A-1 therein on the ground that it is a non-speaking order. In paragraph 3 of the said order, the necessity for a speaking order was highlighted.

3. The applicant herein also pressed into service that A-14, the impugned order is not sustainable in law and is liable to be quashed for the simple reason that it is a non-speaking order.

4. The learned counsel appearing for the respondents fairly submitted that A-14 order being not a speaking order, is liable to be quashed.

5. It is really saddening to note that the respondents have neither cared to read A-12 the order passed by this Bench of the Tribunal in O.A.56/99 or if they have read, they have not understood the same. The reason for quashing the impugned order therein was that the impugned order therein was not a speaking order. Respondents have found rather happy in being


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very mechanical instead of applying their mind. It cannot be a case that the respondents can afford to take the matter in a mechanical way without due application of mind. The right to know cannot be taken away by the respondents. The manner of the respondents in passing a mechanical order saying that the request for compassionate appointment has not been agreed to by the General Manager cannot be sustained. I refrain from making further observations.

6. Accordingly, A-14 is quashed. The second respondent is directed to consider A-13 representation dated 27.3.99 submitted by the applicant and pass a speaking order within two months from the date of receipt of a copy of this order.

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

Dated, the 29th of May, 2000.


A.M.SIVADAS
JUDICIAL MEMBER

trs/29500

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: A true copy of the representation dated 7.9.94 submitted by the applicant to the 4th respondent.
2. A-6: A true copy of the order dated 17.12.97 issued by the 4th respondent.
3. A-12: A true copy of the order in O.A. No.56/99 dated 18.3.99 passed by this Tribunal.
4. A-14: A true copy of the letter bearing No.P.363/I/CN/M/S/Lan/85 dated 8.3.2000 issued by the 4th respondent.
5. A-13: A true copy of the representation dated 27.3.99 submitted by the applicant to the 2nd respondent.