

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 600/90
XXXXXX

DATE OF DECISION 3-4-1991

AJ Raphael _____ Applicant (s)

Mr Thomas Chazhukkaran _____ Advocate for the Applicant (s)

Garrison Engineer (Project)
Kataribagh, Naval Base P.O.
Kochi 682 001 & another _____ Respondent (s)

Mr George Joseph, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

Shri N Dharmadan, J.M.

The applicant is the son of late Shri AR Joseph, who died on 1.1.87 due to heart attack while in service, leaving behind his wife and 5 children. At the time of his death, three children were married and ~~XXXXXX~~ living separately. The applicant, one sister and the widow of the deceased are living together and they are ~~xx~~ the dependants of deceased Joseph. After the death of Joseph, the widow filed an application on 12.3.87 for compassionate appointment for his son, the applicant. It was considered by the respondents and the widow was asked to produce certain relevant details for examining her income and other eligibility conditions, which were furnished by her. But since

no appointment was given the applicant also submitted Annexure 5 representation dated 6.7.87 for getting compassionate appointment. After considering the claim of the applicant and his mother, Annexure A8 has been issued by Respondent-2 which reads as follows:-

" The case of Shri AJ Raphel, S/o Late AR Joseph DES is not considered fit case for compassionate appointment for the following reasons:-

- (a) The family of the deceased is entitled to Rs 375/- p.m. as family pension, Rs 5639/- towards GPF accumulation, Rs 16,000/- as DCRG, Rs 10,000/- as CGEGIS and Rs 5,500/- towards movable/immovable property.
- (b) No minor child to be brought up in the family.
- (c) The indl is overaged and his annual income is Rs 3,000/-."

2 The applicant again submitted Annexure A9 representation before Respondent-2 hoping that he will forward it to the Appellate Authority for being considered the same in accordance with law. Receipt of Annexure A9 representation is evidenced by Annexure A10 acknowledgement. Since he did not get any order from the competent authority, he filed this application challenging Annexure A8 letter.

3 We have heard the learned counsel on both sides. It is brought to our notice that Annexure A9 representation has been received by Respondent-2 but no order has been passed on the same by the Respondent-2 nor did he forward the same to the competent authority. Annexure A9 should have been forwarded to the Ministry of Defence for disposal of the same in accordance with law.

4 The applicant is now satisfied by a direction to the respondents to consider his representation at Annexure A9, filed against Annexure A8, by the competent authority as indicated in para 6 of the counter affidavit. The learned counsel for the respondents submitted that the respondents have no objection in forwarding the Annexure A9 representation to the competent authority for a proper disposal of the same in accordance with law.

5 Having heard the parties and considering the facts and circumstances of this case, we are of the view that this application can be disposed of in the interest of justice with directions, but without expressing any final opinion on the merits. Accordingly, we direct the Respondent-2 to forward the Annexure A9 representation to the proper Appellate Authority viz; Ministry of Defence as indicated in para 6 of the reply, for an early disposal of the same in accordance with law. Hence, he shall forward the Annexure A9 representation within a period of two weeks from the date of receipt of the copy of the judgment with a copy of the original petition. If the Ministry of Defence receives the same, we hope that the concerned authority would dispose of the Annexure A9 representation in accordance with law taking into account the facts and other circumstances stated by the applicant in this original application.

6 In this view of the matter, the application
is disposed of as above and there will be no order
as to costs.


(N. Dharmadan)
Judicial Member


(NV Krishnan)
Administrative Member

3-4-1991