

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 78 of 2006

Wednesday, this the 10th day of January, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

1. V. Sasidharan Nair,
S/o. K. Velayudhan Pillai,
Residign at Manju Nivas,
T.C. 18/1478, Kunnappuzha,
Thiruvananthapuram - 32
2. Manju V.S.,
D/o. V. Sasidharan Nair,
Residign at Manju Nivas,
T.C. 18/1478, Kunnappuzha,
Thiruvananthapuram - 32

... Applicants.

(By Advocate Mr. Sasidharan Chempazhanthiyil)

versus

1. The Deputy Programme Advisor,
Department of Youth Affairs and
Sports National Service Scheme,
Regional Centre, Bangalore.
2. The Director and Programme Advisor,
National Service Scheme,
Department of Youth Affairs and Sports,
New Delhi - 1
3. The Under Secretary,
Y-S-III- Department of Youth Affairs &
Sports, New Delhi.
4. Union of India, represented by its
Secretary, Department of Youth Affairs &
Sports, New Delhi.

5. Assistant Programme Advisor,
NSS Regional Centre, Block D,
2nd Floor, CGO Complex,
Vellayani P.O, Poonkulam,
Trivandrum. ... Respondents.

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The Original Application having been heard on 10.1.07, this Tribunal on the same day delivered the following :

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

An error committed by the respondent in treating the applicant's relinquishing the services as one of voluntary retirement, forced the applicant to move this Tribunal in OA No. 714/2001 and when the case came up for consideration, respondents had to concede their error and stated that the applicant's request for retirement on medical invalidation under Rule 38 of the CCS (Pension) Rules, 1972 had been accepted w.e.f. 31-03-2000. Taking judicial note of the same the OA was disposed of vide order dated 10.10.2002 (Annexure A-3). Needless to mention that the concessions admissible for such retirees became available to the applicant from 31.03.2000 and the applicant on the basis of the same applied for compassionate appointment for his ward in pursuance of the Tribunal's order, vide Annexure A-4. Annexure A-5 letter dated 5th February, 2004 is the response from the respondents expressing a commitment that the applicant's daughter would be appointed on compassionate grounds on receipt of relaxation from DOP&T for which necessary steps were initiated by the

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respondents. Annexure A-6 letter dated 26-02-2004 is yet another confirmatory communication in this regard. As the assurance given by the respondents remained only as assurance and not transformed into action, the applicant had to move an M.A. No. 841/04, which was disposed of by Annexure A-7 order dated 27-01-2005 with a direction to the respondents to take a decision by implementing the orders of the Tribunal within six weeks without fail. The applicant has been forced to move this OA again for justice.

2. Respondents have expressed their inability to afford compassionate appointment to the pensioner's daughter as the quota for compassionate appointment has already been consumed. In all expectation, the vacancy which otherwise ought to have gone to the applicant has been given to some one on account of the error committed by the respondents initially in treating the retirement of the applicant as one of voluntary retirement as stated in para 1 above. To right the wrong, they have been now taking steps by making reference to various ministries/departments for accommodating the applicant's daughter, the 2nd applicant here. While their sincere attempt is taken notice of, the fact remaining that the applicant's claim still not being met with, the only order that could be passed at this juncture is that the Respondents shall positively consider the case of the applicant for compassionate appointment of Applicant No. 2 in the immediately available vacancy under the compassionate appointment quota and limitation if any shall not come in the way in meeting the commitment already made by the



respondents. The applicant shall keep in touch with the respondents at periodical intervals in which event, progress of the case be made known to the applicant.

3. With the above direction, the OA is disposed of. No costs.

(Dated, the 10th January, 2007)



Dr. K B S RAJAN
JUDICIAL MEMBER

CVR.