

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 135 of 1995

Monday, this the 25th day of March, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. N. Lakshmikutty Amma,  
W/o Late N Raman Nair,  
Nambalathu House,  
Mulamkunnathukavu PO, Tirur,  
Trichur District.
2. N.R. Ajitha,  
D/o Late N Raman Nair,  
Nambalathu House,  
Mulamkunnathukavu PO, Tirur,  
Trichur District. .. Applicants

By Advocate M/s KA Abraham and P Ali

Versus

1. Union of India represented by  
the Secretary to Government of India,  
Ministry of Defence, Sena Bhavan,  
New Delhi.
2. The General Manager,  
Cordite Factory,  
Aruvankadu (Nilgiris)  
Pin - 643 292 .. Respondents

By Advocate Mr. James Kurian, ACGSC

The application having been heard on 25th March, 1996, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants seek a direction to respondents to grant a compassionate appointment to 2nd applicant. The husband of 1st applicant and the father of 2nd applicant, a Motor Driver under respondents, died in harness on 22-6-1982.

2. From 5-7-1982 (R-2) onwards, the widow and the orphaned daughter had been knocking at the doors of

respondents for their compassion. Eventually by A5, second respondent asked 1st applicant to:

"indicate your willingness whether your daughter Kum. Ajitha may be considered for the post of Labourer 'US'. On hearing from you, further action will be taken".

3. By A6 first applicant informed second respondent that her:

"daughter Miss Ajitha N.R. is willing to accept any job even Unskilled Labourer which you are being offered".

4. Though it is stated that further action will be taken on getting the consent of 2nd applicant, no action was taken. Eventually, applicants moved this Tribunal.

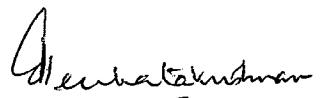
5. Compassionate appointment is intended to reach reliefs, immediately needed by the family of an employee dying in harness. Nothing precludes the Government, in appropriate cases, from granting an appointment even after passage of time. As far as the case on hand is concerned, virtually an appointment was signified by A5, wherein it is stated that on receipt of consent further action will be taken. Therefore, the ordinary considerations may not arise. At any rate, the Government of India have in their letter No. 14014/6/86-Estt(D), Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training dated 30-6-1987 stated that applications can be considered after passage of time. The order aforementioned is not exhibited but a copy of the same was made available to us.

6. Respondents will examine the matter in the light of the above order of the Government of India and in the light of

A5, wherein they had agreed to grant an appointment, and pass appropriate orders thereon within three months from today, consistent not only with law, but also with considerations of justice.

7. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 25th March, 1996

  
PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

ak/25.3