

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.138/94

Thursday, this the 20th day of January, 1994

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

S Ajitha, Ozhukupara, Thekkumkara
Uriacode Post, Vellanadu,
Thiruvananthapuram District.

....Applicant

By Advocate Shri Pirappancode V Sreedharan Nair.

Vs.

1. Union of India represented by its
Secretary, Ministry of Telecommunication,
New Delhi.
2. Chief General Manager,
Telecommunication,
Thiruvananthapuram.
3. District Manager,
Telecom District,
Thiruvananthapuram.
4. Deputy Director for Scheduled
Caste and Scheduled Tribe,
Kerala and Lakshadweep, TC 15/968,
Meenakshi, Vazhuthacaud Junction,
Thiruvananthapuram--14.

....Respondents

By Shri K Karthikeya Panicker, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant approached this Tribunal earlier, challenging the rejection of her prayer for appointment on compassionate grounds. Her father died in harness. The family is in indigent circumstances, and she was entitled to get an appointment, states applicant. The request was rejected stating that the mother of the applicant was getting a salary of Rs.2559.00 per month, and family pension. Applicant moved this Tribunal, and the Tribunal referring to orders of Government of India, directed fresh consideration. Then the impugned order was issued, practically in the same terms as the earlier order.

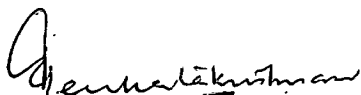
contd.

2. Whether a family is indigent or not, is a matter to be decided on facts. Indigence is a relative expression, depending on the prevailing economic and social conditions. Though the scheme for appointment on compassionate grounds is intended to reach succour to the needy, it cannot be converted into a monopoly. Diverse considerations must guide the decision.

3. When the authority was specifically directed to consider whether the case of applicant was a "deserving case" in terms of the order quoted in para 4 of the judgement in OA 109/93, respondents owe a minimum duty to extend such consideration. Failure on the part of officials to comply with directions, or apply their minds to the facts, deserves to be deprecated. It will also be well to remember that orders touching on rights of citizens must be supported by reasons. The person against whom an order is passed, is entitled to know the reasons therefor. As rightly pointed out by Standing Counsel for respondents, the attributes of a quasi-judicial order are missing in the impugned order. We quash the same, and direct the competent authority to pass a reasoned order with reference to the facts of the case and with specific reference to the directions in OA 109/93, within a period of two months from today, and communicate the order to the applicant.

4. Application is allowed. No costs.

Dated the 20th January, 1994.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN