

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

146 of 1992

DATE OF DECISION 20.2.92

B. Anil Kumar Applicant (s)

Mr. Babu Cherukara Advocate for the Applicant (s)

Versus

Union of India represented
by Secretary, Ministry of Respondent (s)
Communication and others

Mr. Mathew J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. Mukerji - Vice Chairman
and

The Hon'ble Mr. N. Dharmadan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
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*

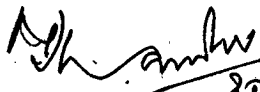
JUDGEMENT

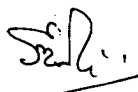
(Hon'ble Shri S.P. Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on his application dated 20.1.92 in which the applicant who is a member of the Scheduled Caste community has prayed for compassionate appointment on the ground of the death of his father which occurred within 13 days of his premature retirement on medical grounds. The applicant's case is that his father had sought and given premature retirement under compelling circumstances when he had more than 13 days of earned leave to his credit. The fact that ^{within} ~~even~~ 13 days of his premature retirement, he expired should not be taken ^{too} technically to deny the applicant compassionate appointment on the ground that his father had already retired before his sad death. The applicant

states that ^{the} ~~his~~ family ^{of the deceased} is in indigent circumstances, consisting of besides the widow, two unmarried daughters and the applicant. It appears that the applicant's representation for compassionate appointment dated 26.4.91 addressed to the 4th respondent has not been disposed of. His mother had also represented on 27.11.89 which representation according to the learned counsel for the respondents had been dismissed.

2. In the conspectus of facts and circumstances we admit this application and dispose of the same with the direction to the applicant to submit a fresh representation addressed to Respondent No.3 ie., Chief Post Master General, who according to the learned counsel for the respondents is the competent authority for this purpose. A copy of the representation dated 26.4.91 at Annexure.I also should be annexed with that representation. The representation should be submitted to the third respondent within a period of two weeks from today and the third respondent is directed to dispose of the representation with sympathetic consideration within a period of one month from the date of its receipt. There will be no order as to costs.


(N.D.HARMADAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

20.2.92