

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.147/2002.

Monday this the 15th day of April 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

T.Murali, S/o Late M.Madhavan,
Murali Bhawan, Kuttamath,
Cheruvathur P.O.,
Kasaragode District-671 313.

Applicant

(By Advocate Shri T.N.Sukumaran(rep)

Vs.

1. Union of India represented by the
Secretary, Ministry of Agriculture,
Krishni Bhawan, new Delhi-110 001.
2. The Director,
National Research Centre for Spices &
Central Plantation Crops Research Institute,
(Now renamed as Indian Institute of
Spices Research), Marikunnu P.O.,
Calicut-673 012.

Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 15th April 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN


The applicant is the son of late M.Madhavan who while working as Assistant Administrative Officer in the National Research Centre for Spices, Marikunnu, Calicut died in harness in 1984. Madhavan was survived by his wife, two married daughters and the applicant who was 16 years old at that time. The applicants mother and sisters allegedly made a representation requesting that when the applicant would attain the age of majority, his case for employment assistance on compassionate grounds might be considered. Alleging that the representation made by him for employment assistance on compassionate grounds was rejected in 1996 without application of mind, the applicant

made representations Annexures A2 and A-3. Without success the applicant has filed this application for a declaration that he is entitled to compassionate appointment and for appropriate directions.

2. On a scrutiny of the application and the other materials on record and on hearing Shri Vadakara V.V.N.Menon, learned counsel who appeared on behalf of the applicant and the Senior Central Government Standing counsel for the respondents. We do not find any subsisting cause of action for admission of this application. When late Madhavan died his two daughters were married. His widow would have got the family pension etc. The only member of the family who needed support was the applicant who was 16 years old at that time. If the family found it difficult to survive, either the mother would have sought employment or at least immediately after attaining 18 years, the applicant should have sought appointment. The first time representation was made by the applicant as per Annexure A2 was in 1994, i.e. at least 8 years after applicant attained 18 years. When his request was rejected in 1996 he did not immediately seek relief before a legal forum. Now, the applicant is past 31 years, I am not satisfied that circumstances warranting employment assistance do exist in this case.

3. The application which is filed without a subsisting cause of action is rejected under section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 15th April, 2002.


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of letter dated 1.1.85 addressed to the Director, CPCRI, Kasargodce, by the major dependents of late M.Madhavan seeking his appointment when he attains majority.
2. A-2 : True copy of letter dt.31.8.94 preferred to the Director, NRCS, Calicut by the applicant.
3. A-3 : True copy of letter dated 1.1.95 sent to the Director General, ICAR, by the applicant.
4. A-4 : True copy of the letter dated 1.1.95 sent to the President, ICAR, by the applicant.

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