

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 169 OF 2007

Wednesday, this the 6th day of February, 2008.

C O R A M:

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

K.M.Ajumon
Kandanchery House
Near Poopanakunnu, Kumbalanghi P.O
Cochin – 682 007 : **Applicant**

(By Advocate Mr. C.S.G Nair)

Versus

1. The Flag Officer Commanding-in-Chief
Southern Naval Command
Cochin – 682 004
2. Union of India represented by the Secretary
Ministry of Defence
South Block,
New Delhi – 110 001 : **Respondents.**

(By Advocate Mr.TPM Ibrahim Khan, SCGSC
with Shri P.P.Jose, Staff Officer (Civilian Personnel)

The application having been heard on 06.02.2008, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is the son of Late Shri K.P.Mohanam, who
expired while in service on 21.04.2000. His grievance is that he has
not been considered properly in accordance with the rules/instructions
for appointment on compassionate grounds. The main grounds
adduced by Shri C.S.G.Nair, the counsel for applicant were that (i)
the Respondent did not consider the Applicant in the three
consecutive appointment years as required under the latest
instructions on the subject as he could not be offered the
appointment for want of vacancies under the 5% of direct recruitment
quota in the first and second years. (ii) The respondents have taken

four cents of land valued at Rs.60,000/- in his name and as a result of it he lost 6 points in his favour for determining of his eligibility and (iii) while computing the annual vacancies, the vacancies in technical posts in Group 'C' & 'D' were not taken into consideration.

2. On the directions of this Tribunal, Shri P.P.Jose, Staff Officer (Civilian Personnel) brought the relevant records and I perused the same. It is noticed that the Applicant's case was first considered in September, 2001 when the total number of vacancies of Group 'C' and 'D' posts in both the Technical and Non-Technical grades were 59 and only one Group 'C' and 2 Group 'D' persons could be appointed against the 5% quota. The Selection Committee considered his case against the 74 Group 'C' & 'D' vacancies available for the year 2002-03 and the 145 vacancies available for the year 2003-04. The Selection Committee did not find his case as the most deserving one in all these years as compared to cases of others who have been recommended for appointment. The Applicant's position in the select list for 2003-04 was 18 but only 8 could be accommodated. The last person who was selected for appointment was given 78 points and the applicant herein got 68 points. Even if the immovable property worth Rs.60,000/- was not taken into consideration in his case and six more points were added to his credit, he would not have come within the 8 persons recommended for appointment.

3. Under the circumstances, I am fully convinced that the Selection Committee have conducted the selection for appointment on compassionate grounds quite fairly and strictly in accordance with the rules. After perusal of the records produced by the respondents, the

Applicant's counsel has also got his apprehensions about the fairness of the selection removed. In the above circumstances, the OA is dismissed. There shall be no order as to costs.

Dated, the 6th February, 2008.



GEORGE PARACKEN
JUDICIAL MEMBER

vs