

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 206 of 2005

Tuesday, this the 22nd day of March, 2005

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. P.V. Subhadra,
W/o late Krishnan K,
Kunnathu House,
Manathumangalam,
PO Perinthalmanna,
Malappuram District.

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Applicant

[By Advocate Ms. M. Sonia for Mr. C.A. Chacko]

Versus

1. Union of India represented by
Secretary to Government,
Ministry of Defence,
New Delhi.
2. The Chief of Naval Staff (for DCP),
Naval Headquarters,
New Delhi.
3. The Flag Officer Commanding in Chief,
Headquarters, Southern Naval Command,
Kochi – 682 004
4. The Commanding Officer,
INS Dronacharya,
Kochi – 682 004

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Respondents

[By Advocate Shri T.P.M. Ibrahim Khan, SCGSC]

The application having been heard on 22-3-2005, the
Tribunal on the same day delivered the following:



ORDER

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant is the widow of Shri K. Krishnan, who was working under the 4th respondent as Safaiwala and died while in service on 12-5-1996. Aggrieved by Annexure A1 order dated 15th January, 2002 rejecting her claim for compassionate appointment, the applicant has filed this Original Application seeking the following reliefs:-

"i) Pleased to set aside Annexure A-1 order dated 15/1/2002 issued by the 3rd respondent;

ii) Pleased to direct the respondents 1 to 3 to give compassionate appointment to the applicant under Employment Assistance Scheme, forthwith;


iii) Pleased to declare that the applicant is eligible to get compassionate appointment under Employment Assistance Scheme;

iv) Pleased to direct the respondents to consider Annexure A-II representation submitted by the applicant; and

v) Such other reliefs as this Hon'ble Tribunal deems fit and proper."

2. Ms. M. Sonia representing Mr. C.A. Chacko, learned counsel appeared for the applicant and Shri T.P.M. Ibrahim Khan, SCGSC appeared for the respondents.

3. When the matter came up for hearing, learned counsel for the applicant persuasively argued that the applicant is in a very indigent condition and practically in penury and that her case should have been considered by the respondents.

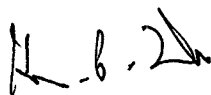


Reasons, findings and observations made in Annexure A1 is not in tune with the rules and regulations in regard to the grant of compassionate appointment. Learned counsel for the respondents, on the other hand, argued that the case of the applicant has been rightly considered and the impugned order Annexure A1 has been passed. However, learned counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the 3rd respondent to reconsider the case of the applicant with reference to her actual condition of indigence and pass appropriate orders within a time frame.

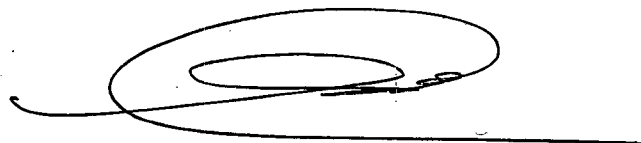
4. In the interest of justice, we direct the 3rd respondent to reconsider the case of the applicant making a fresh investigation as to the penurious condition of the applicant and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above at the admission stage itself. In the circumstances, there is no order as to costs.

Tuesday, this the 22nd day of March, 2005



H.P. DAS
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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