

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 228/90
XXXXX06X

199

DATE OF DECISION 15-1-1991

Zam M. Kottayil _____ Applicant (s)

Mr KP Dandapani _____ Advocate for the Applicant (s)

Versus

The Chief Commissioner of _____ Respondent (s)
Income-tax, Office of the Commissioner
of Income-tax, Cochin-682 016
and others.

Mr C Kochunni Nair, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Mr NV Krishnan, A.M

The applicant seeks the following directions to the respondents relating to his appointment on compassionate grounds.

- (i) The applicant may be directed to be considered for appointment on compassionate grounds and a suitable post may be given to him taking into consideration his educational and other qualifications;
- (ii) Set aside Annexure III and Annexure V orders;
- (iii) Issue any other order or direction or declaration appropriate in the circumstance of the case.

2 The applicant's father, Shri CT Mathew, while in service as Class IV employee in the Income-tax Department had expired deceased on 10.4.73. Mrs. PT Chinnamma, widow of the ~~State~~ government servant, submitted an application to appoint her son, the present applicant, on compassionate grounds in the Income-tax Department.

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3 The applicant's representations have been rejected twice by the impugned orders dated 13.10.89 and 2.2.90 on the ground that at the time of Shri CT Mathew's death, there was no indigence in the family because his wife i.e., the applicant's mother, was then employed as a Teacher in a Lower Primary School. Though she has since retired, the respondents contend that even now there is no indigence as the applicant's mother receives not only her own pension, but also family pension of her late husband and in addition, she had also received other pensionary benefits. The respondents therefore, request that the application be dismissed.

4 At this stage the learned counsel for the ^{the} ~~the~~ applicant pointed out/in the rejoinder, the applicant has cited three instances similar to the case of the applicant where compassionate appointment has, nevertheless, been given. He wanted the respondents to re-examine his case.

5 After arguments, the learned counsel for the ^{the} ~~the~~ applicant represented that he would be satisfied if if the representation that he may now make is considered by the respondents and on this basis he sought permission to withdraw this application.

6 We have heard the learned counsel for the respondents also, particularly in respect of the aforesaid submission of the applicant. He observed that the ^{the} ~~the~~ ^{always} respondents ~~already~~ examined the representations received

by them.

7 In the circumstances, we permit the applicant to withdraw this application and allow him to file a representation to the respondents stating the new grounds mentioned in para-7 of the rejoinder, within fifteen days from the date of receipt of this order. In case such a representation is received from the applicant, the respondents may consider that representation and dispose it of in accordance with law. If still aggrieved, the applicant will be free to agitate the matter in accordance with law, if so advised.


(N Dharmadhan) 15/1/91.

Judicial Member


(NV Krishnan) 15/1/91.

Administrative Member

15-1-91