

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.263/2004.

Tuesday this the 13th day of April 2004.

CORAM:

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

1. Indira Thulasi, W/o Late G.T.Pillai  
Kotathala p.O., Kottarakkara,  
Kollam, Kerala-691 518.
2. Rejimon T, S/o late G.T.Pillai,  
-do- -do- Applicants

(By Advocate Shri Johnson Gomez)

Vs.

1. Union of India represented by the  
Secretary to Government,  
Ministry of Agriculture, Department of  
Food Processing, New Delhi.
2. The Director General, Fishery Survey of India,  
Butawala Chambers,  
Sir P.M.Road, Mumbai-400 001.
3. The Zonal Director, Marmugao Zonal Base of  
Fishery Survey of India,  
Opp.Microwave Station, Marmugao,  
Goa-403 803. Respondents

(By Advocate Shri M.R.Suresh, ACGSC)

The application having been heard on 13.4.2004,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The Ist applicant's husband and 2nd applicant's father,  
late G.T.Pillai who was working under the 3rd respondent, died in  
harness on 3.11.1994 as Sr.Clerk. It is averred in the O.A.  
that the first applicant was not qualified for seeking employment  
in the Central Government at the time of death of her husband and  
therefore, she had submitted an application for compassionate  
appointment for the 2nd applicant under the dying in harness  
Scheme on 1.12.1994. On 20.6.2002 the second applicant had  
attained the majority and then the first applicant submitted



another representation seeking the same relief and in furtherance of such a representation she was asked to produce a certificate from the Tahasildar regarding immovable property owned by her and the income thereof. She submitted all the required documents. The Ist applicant and other legal heirs of late G.T.Pillai, submitted a declaration before the second and third respondents that they have no objection in providing employment assistance to the 2nd applicant. As there was no response from the second and third respondents after Annexure A-1 and submission of A-2 certificate, the Ist applicant submitted a representation dated 5.1.2004(A3) to the 2nd respondent requesting to take necessary action in the matter. The 2nd respondent was actually received the the A-3 representation which is evidenced by A-4. The request of the applicant for compassionate appointment to the 2nd applicant is still pending with the respondents. Aggrieved by the inaction on the part of the respondents, the applicants have filed this O.A. seeking the following main reliefs:

- a. To declare that the 2nd applicant Rejimon T is eligible to be appointed on compassionate grounds.
- b. To direct the second and third respondents to constitute the Board of Offices (BOO) to consider the case of the 2nd applicant Rejimon T, in accordance with Office Memorandum No.14014/6/94-Esst (D) dated October 9, 1998 issued by Ministry of Personal, Public Grievances and Pensions of the Government of India and to direct the second and third respondents to appoint the Ist applicant's son Rejimon on compassionate grounds.
- c. To direct the second respondent to consider Annexure A3 representation in accordance with law and to pass appropriate orders, within a reasonable time that may be fixed by this Hon'ble Tribunal.

2. Shri Johnson Gomez, learned counsel appeared for the applicants and Shri M.R.Suresh, ACGSC appeared for the respondents.



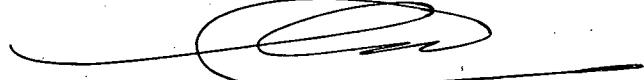
2. When the matter came up before the Bench, learned counsel for the applicant submitted that the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider and dispose of his A-3 representation within a time frame in accordance with law, rules and regulations on the subject. Learned counsel for the respondents has no objection in adopting such a course of action.

3. In the interests of justice, I also feel that such a limited direction will meet the ends of justice. Therefore, I direct the 2nd respondent to consider and dispose of A-3 representation in accordance with law, rules, and regulations on the subject and pass appropriate orders within a time frame of four months from the date of receipt of a copy of this order.

4. Applicant is directed to send a copy of the O.A. and a copy of this Order to the 2nd respondent to avoid any further delay.

5. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 13.4.2004.



K.V. SACHIDANANDAN  
JUDICIAL MEMBER

rv