

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 277 of 1997

Wednesday, this the 19th day of March, 1997

CORAM

HON'BLE MR. K. RAMAMOORTHY, ADMINISTRATIVE MEMBER  
HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. E.L. Jose,  
S/o Lonappan,  
Edakolathur House,  
Cheroor PO, Trissur District. .. Applicant

By Advocate Mr. P. Santhosh Kumar

Versus

1. Union of India represented by  
the Secretary,  
Ministry of Finance, New Delhi.
2. The Commissioner of Central Excise,  
and Customs,  
Central Revenue Building,  
I.S. Press Road, Kochi-18
3. The Deputy Commissioner  
(Personnel & Vigilance),  
Central Revenue Building,  
I.S. Press Road, Kochi-18 .. Respondents

By Advocate Mr. Mathews J Nedumpara, ACGSC

The application having been heard on 19th March, 1997, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS JUDICIAL MEMBER

The applicant seeks to quash A-2, to declare that he  
is entitled to get appointment in the dying-in-harness  
scheme on the death of his brother while in service, and  
to direct the respondents to appoint him in a suitable  
post.

contd..2.

2. The applicant is the brother of late Sri E.L. David who was working as Sepoy in the Central Excise Office, Trichur. The applicant's brother Sri E.L. David died on 6-4-1993 while in service. The applicant has studied upto VIIIth Standard and is unemployed. He made a representation to the 2nd respondent requesting to appoint him in a suitable post on compassionate ground. His request was rejected as per A-2 saying that his case has not been found fit.

3. A-2 order simply says that:

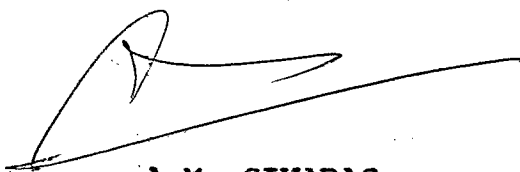
"your case has not been found fit, and hence rejected."

No reason is stated. The applicant is entitled to know on what ground he has been found not fit and his request has been rejected. An order of rejection like A-2, without stating any reason, cannot be said to be one which the respondents should have passed. The respondents should have passed an order on merits, instead of passing a cryptic one like A-2.

4. Accordingly, A-2 order is quashed and the second respondent is directed to consider the representation submitted by the applicant dated 24-1-1996 by passing a speaking order thereon within one month from today.

5. Application is disposed of as aforesaid. No costs.

Dated the 19th of March, 1997



A.M. SIVADAS  
JUDICIAL MEMBER



K. RAMAMOORTHY  
ADMINISTRATIVE MEMBER