

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 387 1993.

DATE OF DECISION 5.3.93

N. S. Jijith Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary to Govt., Ministry of Communications,
New Delhi and others

Mr. C. C. Thomas, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

~~The Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

The applicant is the eldest son of late N.K. Somasundaram who died while working as Telephone Lineman in an accident on 4.11.85. He died leaving behind his wife and three children in indigent circumstances. All the children were minors and the wife is an employee under the Central Government. Though a sum of Rs. 10,500/- was received towards gratuity and a family pension of Rs. 570/- ^{has} been fixed, the applicant submitted that without further assistance by getting a compassionate appointment it will be difficult to maintain the family. In that line, the applicant submitted a representation on 29.4.86 for getting compassionate

appointment which was rejected as per Annexure-I order.

The order reads as follows:

"Your application has been returned by Director, Telecom (N) Trichur since you have not attained the age for public service. Therefore, you are hereby intimated that you may take up the case again when attains the minimum age of entering in Govt. service."

2. Subsequently, Annexure-II application was filed on 10.2.88 stating that the applicant is entitled to relaxation of lower age limit for compassionate appointment. That was also rejected by order dated 11.4.88. It is also extracted below:

"It has been intimated vide Director, Telecom(N) Trichur letter No. STR/6-79/87/20 dated 6.4.88 that your request for appointment on compassionate grounds has been rejected by the Committee at Directorate level after due consideration."

3. Thereafter, another representation, Annexure A-IV dated 14.10.88 pointing out comparable cases in which Sri M.G. Sujit son of late M.R. Gopinathan, TDA of TDM Ernakulam was granted compassionate appointment though the wife of his father was employed as a TDA in Ernakulam Telecom. was filed by the applicant praying for similar treatment. That application was also rejected by Annexure-V order dated 16.8.91. It reads as follows:

"CGMT Trivandrum vide his letter No. Rectt/9-407/87 dated 29.7.91 has initiated that after due consideration of your above cited representation, it has been decided that the case does not merit for re-opening and no more representation will not be entertained in the matter."

4. The applicant submitted that the comparable case pointed out by the applicant was not considered while disposing of the representation. In the meantime, the mother of the applicant filed Annexure-VI representation for getting a compassionate appointment to the applicant, her eldest son. Annexure-VII dated 9.1.90 is a further representation filed by the applicant before the Hon'ble Minister for Communication. That was also not disposed of so far. Under these circumstances, the applicant has filed this application under section 19 of the Administrative Tribunals Act for a

42

declaration that he is entitled to grant of compassionate appointment in a suitable post in relaxation of the recruitment rules.


5. At the time when the case came up for admission, learned counsel for respondents sought some time for filing a reply.

6. Having heard learned counsel for both sides, I am satisfied that this application can be disposed of at the admission stage itself, particularly when the representations filed by the applicant and his mother are pending consideration before the Chief General Manager, Telecom. Kerala Circle, Trivandrum and the Hon'ble Minister for Communications. It is also to be noted that the comparable cases pointed out by the applicant was not examined while rejecting the earlier representations filed by the applicant. So it is necessary that further careful examination of the grievance of the applicant by the appropriate authority and disposal thereof according to law.

7. Under these circumstances, I feel that justice in this case will be met if I direct the respondents 1 & 3 to consider and dispose of Annexure-VI and VII representations in accordance with law. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

8. The application is disposed of on the above lines.

9. There shall be no order as to costs.


(N. DHARMADAN) 5.3.93
JUDICIAL MEMBER
5.3.93

kmm