

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.414/2001

Tuesday this the 8th day of October, 2002.

CORAM

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Santhosh Simpson C.
Cheeran House
Nalukettu P.O.
Koratty
Thrissur
District.

Applicant

(By advocate Mr.S.Radhakrishnan)

Versus

1. Union of India rep. by
The Secretary to the Government of India
Ministry of Urban Development
and Poverty Alleviation
Nirman Bhavan, New Delhi.
2. Director of Printing
Directorate of Printing
B - Wing, Nirman Bhavan
New Delhi.
3. The Manager
Government of India Press
Koratty

Respondents.

(By advocate Mr.Sunil Jose, ACGSC)

The application having been heard on 8th October, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Applicant, son of C.T.Simpson who, while working as Binder in Government of India Press, Koratty, expired on 4.5.92, after 25 years of service, made a representation as per A-2 dated 24.6.92 to the second respondent seeking compassionate appointment in any capacity. This was followed by further representations and finding that even after his enlistment for employment assistance on compassionate grounds, he did not get any reply, the applicant approached this Tribunal by filing OA 1425/99. This Tribunal by order dated 10.10.2000 directed the

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3rd respondent to consider the applicant for adhoc appointment/casual engagement as and when such vacancies or necessity would arise in the establishment in preference to outsiders, till such time that his turn for employment on a regular basis would arise. Meanwhile the applicant was informed that his position in the list of candidates for compassionate appointment as LDC was 37. The applicant made further representation dated 9.3.01. This was considered by the 3rd respondent who informed the applicant as per A-5 communication dated 23.3.01 that his appointment on compassionate ground as LDC would be considered as and when a vacancy arose in the department against compassionate appointment quota and also when his turn arose. His request for adhoc/casual appointment was turned down on the ground that the rules did not permit such engagement. It is against this order that the applicant has now come up with this OA seeking the following main reliefs:

- a) Call for the records leading to A-5 order and quash the same.
- b) Direct the respondents to pass appropriate orders appointing the applicant on compassionate ground either by supernumerary post or by reducing the direct recruitment quota as a one time measure.
- c) Declare that keeping the persons eligible for compassionate appointment for along period is arbitrary and violative of Article 14 of the Constitution of India.

2. Respondents have opposed the OA by filing a detailed reply statement and the applicant has reiterated his claim by filing a rejoinder.

3. We have heard Shri S.Radhakrishnan, learned counsel for the applicant and Shri Sunil Jose, ACGSC for the respondents in

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this regard. It is brought to our notice at the time of hearing that the applicant has been enlisted for appointment as LDC on compassionate ground and that his Sl.No. in the waiting list is 37. Learned counsel for the applicant has drawn our attention to a certificate issued by M/s Kunnamkulam Offset Printing to the applicant confirming his experience as Bindery Assistant (MA1 filed along with MA 937/02). In MA 937/02 the applicant prayed for a direction from this Tribunal to the respondents to consider his candidature for appointment to the post of Assistant Binder in the Government of India Press, Koratty under the dying in harness scheme in case post of LDC could not be offered to him. This MA was allowed. Thus, since the applicant has necessary qualification and experience in the binding work, it would not be difficult for the respondents to consider him for such appointment, according to the learned counsel for the applicant. Shri Sunil Jose, ACGSC, has stated that since the applicant did not file a request for considering him for such a post, he could not be considered as such. However, it has been pointed out by the counsel that if the applicant furnishes an application along with necessary certificate regarding experience as Assistant Binder, the respondents would have no problem in considering him for the post of Assistant Binder against an existing vacancy under the scheme for compassionate appointment.

4. In the light of the submissions made by the learned counsel on either side, we consider it proper to dispose of this OA permitting the applicant to make a request along with supporting testimonials regarding his qualification and experience in binding work and directing the respondents to

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entertain the applicant's request for appointment as Assistant Binder on the basis of necessary documents to support his qualification and experience, if such a request is made to the third respondent, within a week's time from today.

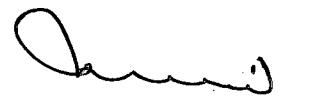
5. Respondents are accordingly directed to consider the applicant's request for appointment as Assistant Binder on compassionate grounds on the basis of the applicant's request and supporting documents on the above lines and make appropriate orders within a period of 30 days from the date of receipt of such a request. We dispose of this OA as above with no order as to costs.

Dated 8th October, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

aa.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the Proforma regarding employment of dependents of Governments Servants dying while in service submitted by the applicant dated 24.6.92.
2. A-2: A true copy of the representation dated 24.6.92 submitted by the applicant to the 2nd respondent.
3. A-3: A true copy of the letter No.26/62/93-AIII dated 2.11.2000 issued by the Deputy Director, Directorate of Printing.
4. A-4: A true copy of the order dated 10.10.2000 in OA No.1425/99.
5. A-5: A true copy of the order No.16011/1(b)/97/E1/8307 dated 23.3.2001.
6. A-6: A true copy of the letter No.26/26/93-AIII dated 25.10.93 issued by the 2nd respondent.
7. A-7: A true copy of the Experience certificate No.2002-03/PER dated 8.7.02 issued to the applicant.

Respondents' Annexures:

1. R-1(a): True copy of the O.M.No.A-46020/5/99 Coord (Vol.II) dated 28.12.99.
2. R-1(b): True copy of the O.M.No.26/62/93.a iii DATED 16.11.2000.
3. R-1(c): True copy of the O.M.No.14014/6/94 Estt.(D) dated 9.10.98.

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