

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE SECOND DAY OF APRIL 1993

Present :

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Shri V. Ramakrishnan ... Member (A)

APPLICATION NO.655/1991

Smt. Kanika Mary,  
Wife of late I. George,  
Safaiwala [PMT] TTW/990,  
residing at [Old No.17],  
New No.49, Satyanarayana Temple Street,  
Ulsoor, Bangalore-8.

... Applicant

[Shri M.S. Ananda Ramu ... Advocate]

v.

1. Union of India,  
represented by the Secretary,  
Ministry of Defence,  
Central Secretariat,  
New Delhi-11.
2. Chief of the Air Staff,  
Vayu Bhavan,  
DiQ PO New Delhi-11.
3. AOC - in - C,  
HQ Training Command, IAF,  
Hebbal, Bangalore-560 006.

... Respondent

[Shri M.S. Padmarajaiah ... Advocate]

This application having come up for hearing before this  
Tribunal today, Hon'ble Mr. Justice P.K. Shyamsundar, Vice-Chair-  
man, made the following:

ORDER

Having heard Shri Ananda Ramu, learned counsel for the applicant  
and learned Standing Counsel Shri M.S. Padmarajaiah for the res-  
pondents it seems to us that the respondents may consider the



✓

case of the applicant for appointment on compassionate ground, subject to there being a post available into which the applicant can be absorbed and also subject to the guidelines set ~~for~~ apart in these matters. With these observations which may be treated as direction this application is disposed off. No costs.

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MEMBER[A]

VICE-CHAIRMAN

bsv



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SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

*21/1/93*

Annexure B

From: Bangalore

Smt Kanika Mary Dt. 30-4-1993  
w/o late George,  
Saffaiwala (AMT) TIW/990,  
residing at No.49, Old No.17,  
Sathyanarayana Temple Street,  
Ulsoor, BANGALORE-560 008.

To

The ADC -in- C,  
HQ., Training Command, I.A.F.  
Hebbal, Bangalore-560 006.

Respected Sir,

Sub: Joining report - reg.

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I, the undersigned begs to submit as follows.  
for your kind consideration:

(1) My late husband is an employee in your Establishment, he died in harness on 8.1.1989 leaving me. At the time of his death, my husband had rendered 12 years of continuous service in the Airforce as a Defence Civilian Employee. On and after his death, vide my representation dated 12.4.1989, I sought employment on compassionate grounds in lieu of my husband's death. Thereafter, I made several representations to appoint me on compassionate grounds and the same have been turned down on an untenable grounds. Being aggrieved by the orders, I had left with no other option, approached the Hon'ble Central Administrative Tribunal, Bangalore

in Application No. 655 of 1991. While allowing the said application, the Hon'ble Tribunal in its order dated 2.4.1993 directed you to appoint me on compassionate grounds. I am herewith enclosing the orders passed by the Hon'ble Central Administrative Tribunal, for your kind perusal.

(2) I submit that after my husband's death, I am finding it very difficult to eke out my livelihood in these hard days. Therefore, I humbly request you to appoint me on compassionate grounds without any further delay in the matter. I hope that my representation will yield fruitful results.

Thanking you,

Yours faithfully,

*Kanikamary*

(KANIKA MARY)

Bangalore  
Dated: 30-4-1993

Encl: as above.

*Copy  
B-2/25*

K. SUBBA RAO, B.A. (Hons) LL.B  
ADVOCATE

-12-

M.S. ANANDARAMU MA LLB  
Advocate

Annexure - C

Chambers :  
Chandrasekhar Complex,  
No. 27, 1st Main Road,  
1 Floor, Gandhinagar,  
BANGALORE-560 009.  
PHONE : Off : 264267

To : REGD. POST. ACK. DUE

The ACC -in- C,  
HQ., Training Command IAF,  
Hebbal, BANGALORE-560 006.

Respected Sir,

Residence :  
'Ganesha Nilaya'  
26/29, Sankey Road Cross  
Abshot Layout  
BANGALORE-560 052  
PHONE : 263723

29.6.1993

Under instructions from my client Smt. Kanika Mary  
w/o late George, daughter of late Raju, now aged about  
34 years, residing at No.49, Sathyanarayana Temple Street,  
Mysore, Bangalore-8, I issue this legal notice to you as  
under:

1. My client instructs me that she is the legally  
wedded wife of late George who was working as Safaiwala  
in your esteemed organisation died in harness with effect  
from 8.1.1989 leaving behind my client and ~~xxx~~ as the sole  
surviving legal heir. In accordance with the guidelines  
contained in the Government Order she sought for appoint-  
ment on compassionate grounds, in lieu, of the death of her  
husband. The reasonable and legitimate request made by  
our client seeking appointment on compassionate grounds  
has been arbitrarily turn-down vide Endorsement dated  
12.1.1990 and also her further representation has also  
been turned down vide Endorsement dated 26.3.1990 and  
being aggrieved by the endorsements she had no other

option but to file an application under section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as the 'ACT') in Application No.655 of 1991 and the same has been admitted and notices have been ordered. The Hon'ble Central Administrative Tribunal, Bangalore, in its order dated 2.4.1993 ie., the final order with a direction to consider the case of the applicant for appointment on compassionate grounds. Even after the lapse of three months, no steps whatsoever has been taken to see that the directions given by the Hon'ble Central Administrative Tribunal, Bangalore are carried out with due respect and regard. My client also handed-over an office order dated 15.3.1993 and a xerox copy of the same is enclosed herewith for your kind perusal. As could be seen therefrom Smt. Vasanthamumari, is appointed under the indigent circumstances in the grade of Safaiwala against the existing regular vacancy at the unit with effect from 8.3.1993. She is also situated like our client, in all respects. Therefore, not considering the case of my client for appointment on compassionate is unjust, arbitrary and violative of Articles 14 and 16 (1) of the Constitution of India. Hence, this legal notice.

2. The order passed by the Hon'ble C.A.T. shall have to be carried out in its true spirit and

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Chambers :  
Chandrasekhar Complex,  
No. 27, 1st Main Road,  
1 Floor, Gandhinagar,  
BANGALORE-560 009.  
PHONE : Off : 264267

REGD. POST. ACK. DUE

Residence :  
'Ganesha Nilaya'  
26/29, Sankey Road Cross  
Abshot Layout  
BANGALORE-560 052  
PHONE : 263723

29.6.1993

-3-

my client is now under the verge of starvation and  
destitution.

3. She further instructs me that she is drawing  
a meagre pension of Rs.790/- per month. She is residing  
with her old and ailing mother and she has got unmarried  
sisters, and unemployed brother. Out of the meagre pension  
of Rs.790/- she has to pay a sum of Rs.400/- towards the  
rent and with the remaining amount of Rs.390/- she is  
unable to maintain both ends. She has no other source  
of income except the pension.

4. My client further instructs me to state that  
she is studied upto 8th standard and she is eligible and  
qualified and entitled to be appointed to the post of  
Safaiwala and denying appointment under these circumstances  
is inhuman, unjust and contrary to the guidelines issued  
by the Government of India from time to time.

5. Under these circumstances, the request made

by our client seeking appointment on compassionate grounds is genuine, bonafide, reasonable and justified. Therefore, I hereby advise you to carry out the directions of the Hon'ble Central Administrative Tribunal, in its entirety, after taking into consideration by conducting a detailed investigation in the matter and to appoint my client to the post of Safaiwala within a fortnight from the date of issuance of this legal notice. Failing to comply with the demands made in this notice, my client had no other option, but, to initiate appropriate contempt proceedings against you and all the concerned at your cost and risk.

The charges of this legal notice is quantified at Rs.500/- which you are liable to pay to my client.

Yours faithfully,

(M.S. ANANDA RAMU)  
Advocate

Enclosure: As above.

WY  
2/5/26  
B. &

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Contempt Petition No.24/1993. in

Dated: 30 SEP 1993

APPLICATION NO(S) 655 of 1991.

APPLICANTS: Smt.Kanikamary v/s. RESPONDENTS: Sri.A.K.Bhatnagar,  
Secretary,Ministry of  
Defence,NDelhi & Others.  
TO.

1. Sri.D.T.Devendran,  
Advocate,No.27,  
First Main Road,  
First Floor,  
Chandrasekhar Complex,  
Gandhinagar,Bangalore-9.
2. Sri.M.S.Padmarajaiah,  
Central Govt.Stng.Counsel,  
High Court Building,  
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 22nd September, 1993.

for M. S  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

30/9/93

gm\*

Issued  
On

of

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTY SECOND DAY OF SEPTEMBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

CONTEMPT PETITION NO.24/93

Smt. Kanikamary,  
W/o late I. George,  
Safaiwala [PMT] TTW/990,  
residing at [old No.17],  
New No.49, Sathyanarayana  
Temple, Ulsoor,  
Bangalore-560 008.

... Petitioner

[Shri D.T. Devendra ... Advocate]

v.

1. Sri A.K. Bhatnagar,  
Secretary, Ministry of Defence,  
Central Secretariat,  
New Delhi-110 011.
2. Shri S.K. Kaul,  
Chief of the Air Staff,  
Vayu Bhavan, DHQ PO,  
New Delhi-110 011.
3. Air Marshall V. Puri  
A.O.C. in C.,  
HQ Training Command,  
I.A.F. Hebbal,  
Bangalore-560 006.

... Respondents

[Shri M.S. Padmarajaiah ... Advocate]

This petition having come up for admission before this Tribunal today, Hon'ble Vice Chairman, made the following:

O R D E R

1. Having perused the proceedings of the Indian Air Force Board of Officers, Court of Enquiry, IAF, we find that the direction of the Tribunal in the matter of appointing the applicant on compassionate grounds has been heeded to by the institution,



but they have however, not found it possible to accommodate the applicant.

2. Under the circumstances there is no room to accuse the respondents of having not complied with the directions of this Tribunal. The respondents have considered the applicant for appointment on compassionate grounds to give her a job if that was possible. Earnest effort having been made in that connection and inspite of it, it is had not been possible to give an appointment to the applicant, with the result, they certainly do not expose themselves for action in contempt. We therefore dismiss this application but observe that it will be open to the applicant to seek regular selection.

Sd-

Sd-

MEMBER [A]

VICE-CHAIRMAN

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m. *Chu S*

30/9/93

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

