

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. RanaKrishnan ... 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,
DHQ PO New Delhi-11.
3. AOC - in - C,
HQ Training Command, IAF,
Hebbal, Bangalore-560 006.

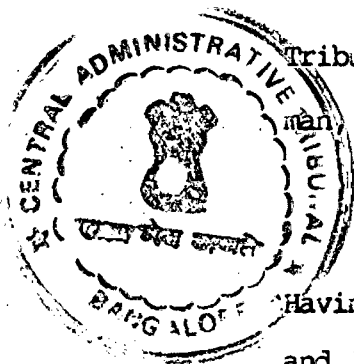
... Respondent

[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



- 2 -

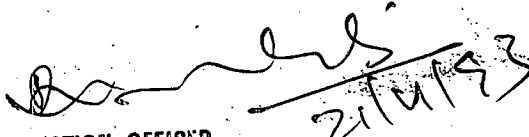
case of the applicant for appointment on compassionate ground^s subject to there being a post available into which the applicant can be absorbed and also subject to the guidelines set ^{fall} apart in these matters. With these observations which may be treated as direction this application is disposed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

MEMBER[A]

VICE-CHAIRMAN



TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

From:

Bangalore

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

Dt. 30-4-1993

To

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

Respected Sir,

Sub: Joining report - reg.

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 Mon'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,

Kanika Mary
(KANJIKA MARY)

Bangalore
Dated: 30-4-1993

Encl: as above.

*Copy
B.R. 25/5/93*

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

&

M.S. ANANDARAMU MA LLB
Advocate

-12-

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

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

Respected Sir,

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, Ulsoor, 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 ~~him~~ as the sole surviving legal heir. In accordance with the guidelines contained in the Government Order she sought for appointment 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 i.e., 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. Vasantha-Kumari, 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

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

M.S. ANANDARAMU MA LLB
Advocate

-14-

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

REGD. POST. ACK. DUE

Residence :
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26/29, Sankey Road Cross
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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

-4-

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.

copy
B. S. 45-2

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 30 SEP 1993

Contempt Petition No.24/1993. in

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 *Dr. [Signature]*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

30/9/93

gm*

Issued
[Signature]

[Signature]

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.

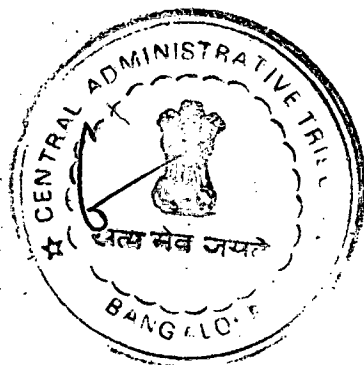
... Respondents

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

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

ORDER

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-

MEMBER [A]

Sd-

VICE-CHAIRMAN

TRUE COPY

m. *[Signature]*

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL DEPT
BANGALORE

30/9/93