

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 9 FEB 1995

APPLICATION NO: 560 of 1993.

APPLICANTS:-Mr. Anirudhan G.

V/S.

RESPONDENTS:-The Air Officer Commanding, Air Force Station,
Jalahalli, Bangalore and another.

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1. Sri. Prakash Shetty, Advocate, No. 159,
First Main, Seshadripuram, Bangalore-20.
2. Sri. G. Shanthappa, Addl. C.G.S.C.
High Court Bldg, Bangalore-1.

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

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 06-02-1995.

Issued on

10/02/95

[Signature]

9/c

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

9/2/95

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.560/93

MONDAY THIS THE SIXTH DAY OF FEBRUARY 1995

Shri V. Ramakrishnan ... Member [A]

Shri A.N. Vujjanaradhya ... Member [J]

Anirudhan, G.
S/o late A. Govinda Nair,
aged about 27 years,
No.129[A] Gangamma Temple,
Jalahalli [East],
Bangalore-560 013.

... Applicant

[By Advocate Shri Prakash Shetty]

v.

1. The Air Officer Commanding,
Air Force Station,
Jalahalli, Bangalore-13.

2. The ADC IN C
Training Command,
IAF, Air Force Station,
Jalahalli west,
Bangalore.

... Respondents

[By Advocate Shri G. Shanthappa ...
learned Standing Counsel for Central Govt.]

O R D E R

Shri A.N. Vujjanaradhya, Member [J]:

1. Seeking a direction to the Respondents ['R' for short] to consider the case of the applicant for appointment on compassionate grounds, this application is made under Section 19 of the Administrative Tribunals Act, 1985.

2. Briefly stated the facts are as below:

One A. Govinda Nair, father of the applicant Anirudhan was working as a Cook in Air Force Station



['AFS' for short], Jalahalli, and he died on 18.2.1982 while in service, leaving behind his widow, Smt. Seethalakshmanana and two sons viz., the applicant and his brother Manikantan. The mother of the applicant had made a representation to R-1 on 23.3.1983 seeking an appointment for clerical post to the applicant on compassionate grounds as in Annexure R-1. Having considered the representation, the matter was referred to R-3 who had considered the case in accordance with the policy of the Government and has taken a decision on 28.11.1984. Employment assistance in indigent circumstance to the dependents of the deceased/medically boarded out Government servants will have to be considered under the order as in Annexure R-2. Thereunder the appointment on compassionate grounds is limited to 4.5% of the vacancies occurring during the calendar year and each request will have to be considered for three consecutive quarters. The name of the applicant was not considered owing to limitation under the said Government of India decision, because there were more indigent persons deserving consideration. Thus, the request of the applicant was rejected by communication dated 10.5.1988 as in Annexure R-4. On 8.7.1989 the younger brother of the applicant made an application for appointment on compassionate grounds which was also considered and as per the direction of the Tribunal in R.A. No.54/93 and Manikantan, brother of the applicant was issued an appointment letter appointing him to

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the post of Helper in Vayu Sena Gas Agency ['Agency' for short] which he did not join. Alleging that the applicant's request has not been favourably considered this application is filed seeking a direction to the respondents to consider his case for appointment on compassionate grounds.

3. The respondents oppose the application on the grounds of delay and laches and also on the ground that there were persons who were more indigent than the applicant and the applicant's request could not be considered because his case was considered consecutively for three quarters and, therefore, his application is liable to be dismissed.

4. We have heard Shri Prakash Shetty, learned counsel for the applicant and Shri G. Shanthappa, learned Standing Counsel for the respondents.


5. At the initial stage itself this application was disposed of by order dated 18.6.1993 directing the respondents to see that the applicant was fitted into a suitable vacancy within three months from the date of the order. Subsequently respondents have sought review of this order in R.A. No.54/93. In that RA interim direction was given as in Annexure R-7 to consider placement of applicant's brother Manikantan for a placement in a Non Public Fund Establishment. Pursuant to this direction, the AFS did issue appointment letter on 30.5.1994 as in Annexure R-4 appointing Manikantan as Helper in Agency requiring him join latest by 4.6.94. But the said Manikantan



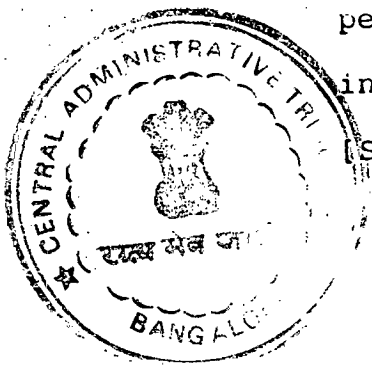
did not report for duty. However, the review application filed by the respondents was ultimately allowed on 29.8.1994 and this original application was restored.

6. The mother of the applicant had made a representation seeking employment for his son as early as in the year 1983 as in Annexure R-1 dated, 23.3.1983. The request was considered by the respondents having regard to the policy decision taken on 28.11.1984. As there was limitation with regard to vacancies, the mother was informed by letter dated 10.5.88 [Annexure R-4] that the request has been rejected as her son's name was found at S.No.16 in Annexure R-3 and there were more indigent persons needing assistance. Shri Shanthappa for the respondents contends that the application is barred by delay and laches on the part of the applicant inasmuch as he has not approached this Tribunal immediately after his request was rejected in 1988. He further contends that because there were more indigent and needy persons than the applicant and there was limitation about the scope of employment, the case of the applicant could not be considered and it was ultimately rejected. In support of his contention he draws our attention to the fact that Manikantan was offered employment under Annexure R-6 but he did not join duty which gives an indication that Manikantan was not in need of an employment.

Besides even the applicant did not come up with an application immediately after the rejection of his prayer perhaps because of the reason that he must



have been gainfully engaged and has come up with this application only in 1993 and therefore, his request for employment on compassionate grounds cannot be considered. No explanation is offered by the applicant as to why his brother Manikantan did not accept the offer of appointment as in Annexure R-6 except contending that it was non Public Fund Establishment paying less emoluments which would indicate that Manikantan must be having some gainful employment which is better than the one offered by the respondents. When the request of the applicant for an appointment on compassionate grounds was rejected in 1988 the applicant also did not persue the matter and had satisfied himself by making a representation to the department without any basis. The inaction on the part of the applicant naturally will have to drive us to observe that he is also not in such need of employment and he is not so indigent as sought to be made out. Shri Shetty relying on the decision in SUSHMA GOSAIN v. UNION OF INDIA reported in AIR 1989 SC 1976 contended that the hardship due to the death of the breadearner in the family should be immediately redeemed by appointing one of the members of the family and help the family from distress. But the fact remains that the respondents did consider the case of similarly situated persons and had offered employment to more needy and indigent persons than the applicant. In O.A. No.458/91 [SMT. V. NARASAMMA V. SQUADRAN LEADER AND OTHERS]



which was decided by a Bench of this Tribunal on 20.11.1991, from which the learned counsel for the applicant sought support, there were seven dependents and they were in indigent circumstance and therefore, a direction to appoint the applicant therein by creating, if necessary, a supernumerary post was given. But the case of the applicant stands on different footing and he does not seem to be so indigent as to call for direction to create a supernumerary post and to offer him appointment. The decision of the Supreme Court from which learned counsel for the applicant sought support also does not come to the rescue of the applicant because he by his own conduct has given indication that he is not so indigent as sought to be made out. The learned Standing Counsel has referred us to various orders of a Bench of this Tribunal as in Annexures R-8 to R-11 wherein the claim for compassionate appointment came to be rejected.

7. Learned counsel for the applicant was at a loss to offer any satisfactory explanation for the delay and laches on the part of the applicant in pursuing his remedy.

9. In view of what is discussed above we see no merit in this application and accordingly we dismiss the same with no order as to costs.

TRUE COPY
10/12/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-
6/12/95
MEMBER [J]

Sd/-
MEMBER [A]

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 7 JUL 1993

APPLICATION NO(s). 560 of 1993.

Applicant(s) Anirudhan G. v/s. Respondent(s) Air Officer
Commanding,
Air Force, Bangalore.

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1. Sri. Anirudhan G,
S/o. Late A. Govinda Nair,
No. 129/A, Gangamma Temple,
Jalahalli East,
Bangalore-560 013.
2. Sri. Prakash Shetty,
Advocate, No. 159,
First Main Road,
Seshadripuram,
Bangalore-560 020.
3. The Air Officer Commanding,
Air Force Station, Jalahalli,
Bangalore-560 013.
4. The AOC INC, Training Command,
IAF, Air Force Station,
Jalahalli West, Bangalore.
5. The Air Chief Marshal,
Vayu Bhavan, Air Headquarters,
New Delhi.
6. Sri. G. Shanthappa,
Central Govt. Stng. Counsel,
High Court Building,
Bangalore-1.

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

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 18-06-93.

Review Com 8
③ Amba also
Addl. G.A.S.C.
8/7/93

for

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE EIGHTEENTH DAY OF JUNE 1993

Present:

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

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

APPLICATION NO.560/93

Anirudhan, G.
S/o late A. Govinda Nair,
Aged 27 years,
No.129[A], Ganganna Temple,
Jalahalli [East],
Bangalore-13.

... Applicant

[Shri Prakash Shetty ... Advocate]

v.

1. The Air Officer Commanding,
Air Force Station,
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Bangalore-13.
2. The AOC IN C
Training Command,
IAF, Air Force Station,
Jalahalli West,
Bangalore.
3. the Air Chief Marshal
Vayu Bhavan,
Air Headquarters,
New Delhi.

.... Respondents

[Shri G. Shanthappa ... Advocate]

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

ORDER

1. We have heard Shri G. Shanthappa ~~we~~ propose to dispose of
this application at the admission stage. It is a case where
the applicant's father had died in harness. It appears he was
serving as a cook in the establishment of the first respondent
and thereafter he applied to the first respondent and the higher



ups seeking to induct him in service in place of his father on compassionate grounds.

2. He was endorsed in the year 1989 as per Annexure A-7 stating that his application for appointment is registered and as there was no vacancy at present, he will be notified as and when vacancy arises.

3. For the last four years the applicant has been patiently waiting vainly and thereafter he has reminded the respondents by a representation at Annexure A-10 which has, however, not produced any result.

4. In the facts and circumstances we direct the respondents to consider the application made by the applicant for appointment on compassionate ground which is admittedly registered with them as per Annexure A-7 and see that he is fitted into a suitable vacancy within three months from the date of this order. Let a copy of this order be sent to the respondents immediately for necessary compliance. Shri Shanthappa says that if there are no vacancies the respondents will be unable to accommodate the applicant. But the learned counsel for the applicant says that the respondents are obliged to accommodate the applicant even if there are no vacancies and they will have to create a supernumerary post. He says that on the proposition of the Supreme Court's decision in AIR 1989 SC 1976. The respondents do well to pay heed to it and make necessary adjustment ensuring that the applicant gets a fruitful job. With these observations this application stands disposed off.

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21/9/89
CENTRAL OFFICER
GENERAL ADMINISTRATION
ADDITIONAL REGIONAL
BANGALORE

Sd-
19/6/89
MEMBER [A]

Sd-
19/6/89
VICE-CHAIRMAN

In the Central Administrative Tribunal

Bangalore Bench

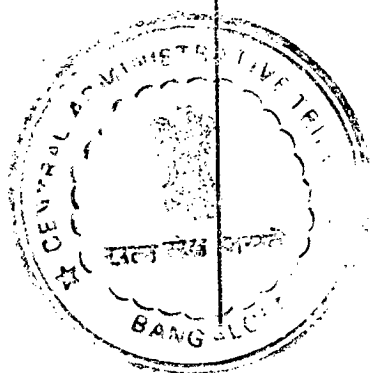
Bangalore

The Air Officer Commanding, v/s. Shri G. Anirudham,
Air Force, Blore & 2 out

Review Application No. 54 of 1993 OAS 560/93 ✓

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		PKS(VC) VR(MA) 29.8.94 After having heard this matter, we think it appropriate to recall our order made in O.A. No. 560/93 disposed of on 15.6.93. In view of the aforesaid, directing the O.A. for being posted afresh, this case is is posted for hearing on 22-9-94 before II-Bent.



Sd/-
21/9/94
M(A)

Sd/-
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VC

TRUE COPY

Sd/-
6/9

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore