

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 20 OCT 1994

APPLICATION NO: 783 of 1994.

APPLICANTS:- Sri. K. Prasad,
V/S.

RESPONDENTS:- Secretary, Mo. Defence, New Delhi & Other.

I.

① Dr. M.S. Nagaraja,
Advocate no. 11,
II floor, Sujatha Complex,
1st cross, Gandhinagar,
Bangalore-560009.

② Sri. G. Shankappa,
Addl. C.G.S.C.,
High Court Bldg,
Bangalore-560001.

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 07-10-94.

Issued on

20/10/94

R.

o/c

for 
DEPUTY REGISTRAR
JUDICIAL BRANCH

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.783/94

FRIDAY THE SEVENTH DAY OF OCTOBER, 1994

Shri V.Ramakrishnan,

Member (A)

Shri A.N.Vujjanaradhya,

Member (J)

Sri K.Prasad,
Aged 22 years,
S/o Late Sri K.Prabhakaran,
52/6, M.I.Lines,
Matadahalli, R.T.Nagar,
Bangalore-560 032.

...Applicant

Advocate by Dr. M.S.Nagaraja.

Versus

1. The Secretary to Government,
Ministry of Defence,
Government of India,
New Delhi.
2. Union of India,
represented by
Secretary to Government
Department of Personnel,
Govt. of India,
New Delhi.

...Respondents

Advocate by Shri G.Shantappa, C.G.S.C.



O R D E R

V.Ramakrishnan, Member (A)

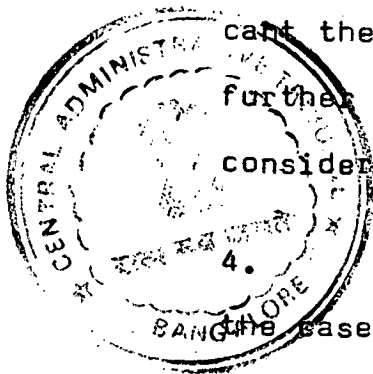
The applicant herein is aggrieved by the denial of compassionate appointment, which was sought for on death of his father, who was working as Safaiwala in Equipment Depot, Air Force in Bangalore.

2. The applicant contends that his father belonged to the lowest strata of the Society and he had

no other means of livelihood. On his death, he also left behind a number of dependents including unmarried daughters. The applicant's mother had requested for compassionate appointment to the applicant. The department's contention is that his application was considered and was dealt with according to the existing policy by the Air Force in such matters. As per the existing policy 4.5% of the group 'D' vacancy falling in the year in the Command Headquarters are reserved for compassionate appointment. All the candidates for compassionate appointment are considered for each quarter and if a candidate is not selected during three quarters, his application stands rejected finally. The department had produced the relevant materials namely the proceedings of the High Power Committee Meeting, which went into the question of compassionate appointment for the three quarters and demonstrated that the persons who were selected were more deserving than the applicant. The department further states that after considering the applicant thrice his case was finally rejected as per the existing policy. They, therefore, contend that there is no merit in the application which deserves to be dismissed.

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3. The main stand of the department for rejecting the request for compassionate appointment of the applicant was that he could not be selected during the three quarters in terms of the relevant instructions.

We find that these instructions were considered by the Madras Bench of this Tribunal in the case of M.Marimuthu in OA 741/91 and the Tribunal had held that the policy of the Air Force was in conflict with the instructions issued by the Ministry of Personnel, Govt. of India dated 30.6.1987, which had laid down a scheme for compassionate appointment in all the wings and departments of the Govt. of India. The Tribunal had held in OA 741/91 that the internal instructions of the Air Force relied upon by the respondents was in contradiction of the Govt. of India instructions and the action taken by the department based on these instructions could not be sustained and directed the respondents to re-consider the case of the applicant in terms of the scheme issued by the Ministry of Personnel for compassionate appointment. We are informed by the learned standing counsel for the department that the department had implemented the directions of the Madras Bench and considered the applicant therein afresh for compassionate appointment. He, further states that his case was rejected on such re-consideration.



Following the decision of the Madras Bench in the case of M.Marimuthu in OA 741/91 referred to supra, we direct the department to consider again the case of the applicant for employment on compassionate appointment in terms of the scheme laid down by the Ministry of Personnel in its OM dated 30.6.1987 ignoring such part of the internal instructions of the department which are in variance with the provisions of the scheme of Ministry

or Personnel. If on the basis of such consideration, the applicant is found eligible for compassionate appointment, the department should take further appropriate action on the basis of such assessment.

5. With the above directions, the application is finally disposed of with no order as to costs.

Sd-

(A.N.VUJJANARADHYA)
MEMBER (J)

Sd-

(V.RAMAKRISHNAN)
MEMBER (A)



TRUE COPY

[Signature]
2018/194

Central Administrative Tribunal
Bangalore Bench
Bangalore