

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 24 MAR 1995

APPLICATION NO. 24 of 1995.

APPLICANTS: Smt.A.Umadevi,Bangalore.

V/s.

RESPONDENTS: The Accountant General(Audit-I),
Bangalore.

To

1. Sri.A.N.Venugopala Gowda,Advocate,
No.8/2, First Floor,R.V.Road,
Bangalore-560 004.
2. Sri.M.Vasudeva Rao,Addl.CGSC,
High Court Bldg,Bangalore-1.
3. The Accountant General,
Audit-I, 'B'-Block,
New Building,Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal,Bangalore-38.

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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 14-03-1995.

Issued on
24/03/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 24/ 1995

TUESDAY, THE 14TH DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Smt. Umadevi A.,
W/o late Shri K.B. Chikkanna,
Aged about 23 years,
R/at No. 117, 7th Main Road,
Jabbar Block, Vyalikaval,
Place Guttahalli,
Bangalore - 3.

... Applicant

(By Advocate Shri A.N. Venugopala Gowda)

Vs.

Union of India,
represented by the
Accountant General (Audit)-I,
Karnataka, Bangalore.

... Respondent

(By Addl. Central Govt. Standing Counsel,
Shri M.V. Rao)

ORDER

Shri V. Ramakrishnan, Member (A)

We have heard Shri A.N. Venugopala Gowda for the applicant
and Shri M.V. Rao for the department.

2. The applicant is widow of one Shri K.B. Chikkanna, who
while serving as a Group 'D' employee in the Accountant General's
office expired on 15.8.93. She has prayed for a direction to the
department that her case should be considered for compassionate
appointment in accordance with the scheme governing such appointment.



3. The husband of the applicant, Shri Chikkanna joined AG's office in September 1986 as a peon. Shri Chikkanna was married but there seems to have been some domestic friction and he had filed a case before the Family Court praying for a decree for dissolving his marriage with the applicant. But he expired on 15.8.93 during the pendency of the case and the case was dismissed on 27.9.93. Subsequently, the father and mother of the deceased, late Shri K.B. Chikkanna, had filed a case before the IV Addl. City Civil Judge, Bangalore praying for granting a succession certificate to them in respect of assets and other dues which were mentioned in the schedule to the petition. In view of this court case, the department had not proceeded to release other retirement benefits and also did not consider the request of the applicant for compassionate appointment. We are informed that so far as granting of family pension is concerned, the applicant has approached the Tribunal in OA 732/95 and has got a direction in her favour.

4. Shri Venugopal submits that so far as the present relief is concerned i.e. granting of compassionate appointment to her, there is no demand from the father and mother of the deceased. He also states that they did not have any other issue apart from late Shri Chikkanna. The learned counsel also submits that the applicant was living with her husband till his death and refers to para 3 of the reply statement of the respondent and states that she had gone with her husband on LTC in 1993 and that Shri Chikkanna had included her name in the application submitted by him for availing benefit under CGEIS. Shri Venugopal, in all fairness tells us that the interests of parents of the deceased also have to be looked after and in case the applicant is granted compassionate appointment, she is ready to forego ~~all~~ the retiral

benefits such as DCRG, CGEIS etc. amounting to Rs. 30,180/- as stated in para 2 of the reply statement by the respondent. We record the statement of Shri Venugopal. The standing counsel submits that the department could not take any action on account of the fact that the case is pending before the IV Addl. City Civil Judge, Bangalore and that the department would implement whatever directions are given by the Tribunal.

5. In the facts and circumstances of the case, we direct the Respondent, Accountant General (Audit)-I to consider the case of the applicant for compassionate appointment in accordance with the relevant scheme and if on the basis of such consideration, she is found eligible for such appointment, issue necessary orders accordingly. This is subject to the condition that before offering such appointment the applicant will submit a formal declaration to the respondent foregoing all retiral benefits ^{other than family pension} which are the subject-matter in the City Civil Court (P& SC Suit No. 104/1993). In order to facilitate this process, we quash the Memo. dated 23.9.94 as at Annexure A-8.

6. The department will complete the exercise referred to above within two months from the date of receipt of a copy of this order.
No Cts

Sch

Sch



A. N. WUJANARADHYA)
MEMBER (J)

(V. RAMAKRISHNAN)
MEMBER (A)

TRUE COPY

[Signature]
24/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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