

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.117 of 1990

AND

ORIGINAL APPLICATION NO.199 of 1990

DATE OF JUDGMENT: 28th July, 1992.

BETWEEN:

Smt. P.Bhanumati

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Applicant

AND

1. The Secretary,
Ministry of Defence,
Government of India,
New Delhi.

2. The Chief of Naval Staff,
NHQ, New Delhi.

3. The Flag Officer Commanding-in-Chief,
HQRS, ENC,
Visakhapatnam.

4. The Admiral Superintendent,
Naval Dock Yard,
Visakhapatnam.

..

Respondents

COUNSEL FOR THE APPLICANT: Mr. P.S.N.Murthy

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC.

CORAM:

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

T. C. Murthy

contd....

11/2/92

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JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant here-in to direct the respondents to provide an employment assistance to the applicant's brother-in-law on compassionate grounds and pass such other orders as may deem fit and proper in the circumstances of the case. There is a delay of two years and two months in filing this O.A. So, M.A.No.117 of 1990 in this O.A. is moved to condone the ~~the~~ said delay of two years and two months in filing this O.A.

2. The learned counsel for the applicant in the M.A. is absent. We have heard Mr. V.Rajeswara Rao for Mr.N.V. Ramana, learned Standing Counsel for the respondents in the M.A. As we find sufficient cause to condone the delay, we accordingly condone the delay in filing this O.A. and the M.A.No.117/90 is allowed.

3. The facts giving rise to this O.A. in brief are as follows:-

One Mr. Podakatlappalli Ram babu was working as unskilled labourer in Naval Dock Yard, Visakhapatnam. The said P.Rambabu died on 22.1.1985. After the death of the said Mr. Rambabu, his widow, who is the applicant

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herein, was granted family pension of Rs.375/- per month. The said Mr. Rambabu had also a son aged six years ^{through} ~~to~~ the applicant at the time of his death. According to the applicant, after the death of her husband, she ~~has~~ nominated one Mr. B.Kanakeswar Rao who is said to be the cousin brother of her husband who was living with her and dependant on her husband and ~~some~~ put in representation/representations to the respondents to provide an employment on compassionate grounds to the said Mr. B.Kanakeswar Rao, the nominee of the applicant. The respondents on 5.9.1987 replied to the applicant stating that there was ~~a~~ provision as per the Government orders to consider for providing employment ^{only} to the dependents of the deceased regular employees and not to others. In the said reply, she was also informed that the dependents of unskilled casual labourers cannot be provided appointment on compassionate grounds as per the rules and regulations. So, in view of the said reply dated 5.9.1987, the applicant has appraoched this Tribunal for the relief/reliefs as already indicated above.

4. Counter is filed by the respondents opposing this O.A.

5. This O.A. was listed for hearing on 27.7.1992. None were present for the applicant and there was no representation on behalf of the applicant. So, this O.A. was ordered to be listed for rejection for today. This

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matter was passed over today till 3.35 pm so as to see whether any body would turn up on behalf of the applicant. Today also none turned up on behalf of the applicant and there was no representation on behalf of the applicant. The applicant's counsel was also not present. So, it is quite evident that the applicant is not interested in prosecution of this O.A. So, we thought it fit to hear Mr. V.Rajeswara Rao, for Mr. N.V.Ramana, learned Standing counsel for the respondents and accordingly heard him and this O.A. is being disposed of today after taking account the material before us in this O.A. and taking into consideration the arguments advanced by Mr. V.Rajeswara Rao for Mr. N.V.Ramana, SC for the respondents.

6. Though in the application it is stated that the said Mr. B.Kanakeswar Rao for whom the applicant wants to provide appointment on compassionate grounds is the brother-in-law of the applicant, In the material papers at Page-16 of this O.A., which is an affidavit of the applicant, the applicant has sworn in that the said Mr. B.Kanakeswara Rao is cousin brother and legal dependent and that his age was 25 years. In the same affidavit the age of the applicant is also shown as 27 years. As could be seen, the applicant is not consistent in her statement in giving the relationship of the said Mr. B. Kanakeswara Rao to her. As already pointed out, in the O.A. affidavit, she stated that Mr. B.Kanakeswara Rao is her

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~~the~~ brother-in-law whereas in the said affidavit she says that he is counsin brother. In view of the inconsistent statement of the applicant, it becomes doubtful whether Mr. B. Kanakeswar Rao is the relative of the applicant at all.

7. Even though the applicant is young and aged about 27 years, it is very strange that she has not approached the competent authority to provide her any appointment on compassionate grounds. On the other hand, she nominates some body else and puts in representations to the respondents to provide employment to the said some-body. Ofcourse, the said 'some-body' the applicant describes as a close relative of her ^{can not be believed} ~~which in fact is doubtful in this case.~~ ~~As~~ the applicant herself has not sought for any appointment on compassionate grounds, ^{the} only inference that ^{can} ~~could~~ be drawn is that the family of the applicant is not in distress or indigent circumstances so as ^{requir} ~~to~~ require an appointment on compassionate grounds.

8. The compassionate appointments are generally provided to the persons in the family of the deceased. The very purpose in providing compassionate appointments is to provide an immediate assistance to the family of the deceased who had died in harness, leaving his family in immediate need of assistance, ^{which family is in} ~~distress and in indigent circumstances.~~ Admittely, the said Mr. B. Kanakeswar Rao is not a member of the family

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of the deceased. By any stretch of imagination, it cannot be said that Mr. B.Kanakeswara Rao was dependent on the said Mr. P.Rambabu, husband of the applicant. For all the above said reasons, we are of the opinion that ~~it~~^{this} is not a fit case to give any direction to the respondents to consider the said Mr. B.Kanakeswara Rao for ~~an~~ appointment on compassionate grounds and hence this O.A. is liable to be rejected and is accordingly rejected leaving the parties to own their costs.

(Dictated in the open Court).

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY).
Member(Judl.)

Dated: 28th July, 1992.

830/7/92
By Registrar(Judl.)

vsn

Copy to:-

1. The Secretary, Ministry of Defence, Govt. of India, New-Delhi.
2. The Chief of Naval Staff, NHQ, New Delhi.
3. The Flag Officer Commanding-in-Chief, HQRS, ENC, Visakhapatnam.
4. The Admiral Superintendent, Naval Dock Yard, Visakhapatnam.
5. One copy to Sri. P.S.N.Murthy, advocate, 58-11-167, Butchirajupalem, Visakhapatnam-27.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Hon'ble Mr. T.Chandrasekhar Reddy, J.M. CAT, Hyd.
8. One spare copy.

Rsm/-

*6th original
page 52
4/8*

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RM
30th M.A. 117/90
O.A. 199/90

TYPED BY _____ COMPARED BY _____
CHECKED BY (6) APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 22/7/1992

ORDER / JUDGMENT

F.A./C.A./M.A. No. 117/90

in

O.A. No. 199/90

T.A. No. _____ (W.P. No. _____)

Admitted and interim directions issued

Allowed

Disposed of with directions

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for default.~~

~~M.A. Ordered/Rejected.~~

~~No order as to costs.~~

pvm.

Central Administrative Tribunal
DESPATCH
5 AUG 1992
HYDERABAD BENCH.