

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.33/90

DATE OF JUDGEMENT: 26th FEBRUARY, 1992

BETWEEN

Sri B. Narsing Rao

.. Applicant

AND

1. Union of India represented by its
Secretary, Defence Department,
Central Secretariat, New Delhi
2. Air Marshal, Air Officer Commanding-
in-Chief,
Training Command,
Headquarters Training Command,
Indian Air Force,
Bangalore-6.
3. The Commandant, Civil Administration
Indian Air Force, Air Force Station
Hakimpet, Secunderabad-14. .. Respondents

Counsel for the applicant :: Sri B. Narayana Reddy

Counsel for the respondents :: Sri N.R. Devaraj, SC for
Rlys

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. Chandrasekhara Reddy

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

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985, to direct the respondents to appoint the applicant in any of the Civil Posts on compassionate grounds.

The facts giving rise to this application in brief may be stated as follows:

1. One Sri B. Sattaiah was working in Indian Air Force at Air Force Station, Hakimpet, as sweeper. While in service, the said Sri Sattaiah died on 22.11.82. The applicant herein is the son of the said Sri Sattaiah. The applicant was aged about 16 years at the time of the death of his father Sri Sattaiah.

2. The mother of the applicant submitted an application dated 4.1.86 to the concerned authorities for the appointment of the applicant on compassionate grounds. By 4.1.86, the applicant had also become a major and eligible for appointment. The application dated 4.1.86 that was sent by the mother of the applicant was forwarded to the Respondent No.2 for consideration. A Committee that was duly constituted to consider appointments on compassionate grounds, considered the case of the applicant and the applicant was accordingly informed by the 3rd respondent vide his letters dated 28.8.86 and 12.3.87 (on intimation from the respondent No.2) that the applicant could not be accommodated, however, he would be considered during

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April-June, 1987 once again and the decision will be communicated to him. The applicant was accordingly considered for appointment by the said committee on 29.9.87 and also, the third time in the year 1989 as per the policy that was existing with regard to the compassionate appointments. The applicant's case was rejected on all the 1st, 2nd and 3rd occasions. The Rules and Regulations of the respondents do not permit to consider the appointment on compassionate grounds more than three times. It is the grievance of the applicant that he has not been considered for appointment and so he prays that ^adirection (to) be given to respondents to consider him for appointment on compassionate grounds.

3. Counter is filed by the respondents opposing the OA.

4. This OA was listed on 10.2.92 for final hearing and the following orders, was passed.

"Applicant absent. Advocate for the applicant is not present. There is no representation on behalf of the applicant. Hence, list this OA for dismissal on 12.2.92"

The following order was passed on 12.2.1992.

"The name of the Standing Counsel for the respondents is not correctly read. Hence, the office is directed to list this OA for dismissal on 14.2.92 after reading correctly the name of the Standing Counsel for the respondents in the cause list."

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When the OA was taken up on 14.2.92, none were present on behalf of the applicant. There was no representation on behalf of the applicant. Sri N.R. Devaraj, Counsel for the respondents reported ready. As the applicant was not evincing any interest in the prosecution of this OA, it was thought fit to hear the Counsel for the respondents and decide this OA on merits. Accordingly Sri NR Devaraj, counsel for the respondents was heard, and the matter is ^{today} disposed of/on merits.

5. Admittedly, the cases of compassionate appointments, are screened by a Committee from the office of comprising of the Senior Officers/the Second respondent herein and each case will be considered ^{only} /thrice in a period of three quarters. ~~Is~~ If a case, is less deserving the same will be informed to the applicant after consideration by the Committee in each quarter and finally after considering the third and last time, the applicant is informed of the recommendations of the Committee. A case which has been rejected thrice after consideration will not be taken up for reconsideration. So that being the policy of the respondents, the case of the ~~applicant~~ applicant, as per the existing policy of the respondents had been considered by the said Committee consisting of Senior Officers from the office of the 2nd Respondent herein, and found that there were more deserving persons () than the applicant on each of the three occasions, and

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Copy to:-

1. Secretary, Defence Department, Union of India, Central Secretariat, New Delhi.
2. Air Marshal, Air Officer Commanding-in-Chief, Training Command, Headquarters Training Command, Indian Air Force, Bangalore-6.
3. The Commandant, Civil Administration, Indian Air Force, Air Force Station, Hakimpet, Secunderabad-14.
4. One copy to Sri. B.Narayana Reddy, advocate, 16-2-705/9/6/2, New Malakpet, Hyderabad-36.
7. One copy to Sri. N.R.Devraj, Addl. CGSC, CAT, Hyd-bad.
8. One spare copy.

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it was on this ground that the respondents could not provide an appointment to the applicant on compassionate grounds.

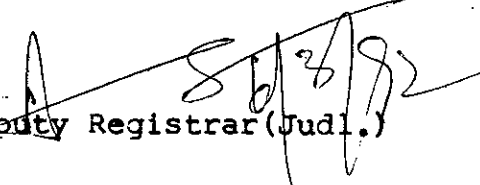
6. When the case of the applicant was considered by the competent authority for appointment on compassionate grounds and when the competent authority had come to the opinion that there were more deserving cases on all the three occasions when the case of the applicant was considered and, the applicant could not be provided appointment on compassionate grounds, it is not open to us to sit in judgement over the decision of the said Committee and interfere; especially, when the respondents have not violated any rules and instructions for providing compassionate appointments. We see no reasons to interfere with the decisions of the competent authority as we are satisfied that the decision of the competent authority is legal and valid in not providing appointment to the applicant on compassionate grounds.

7. We see no merits in this OA. Hence, this OA is liable to be dismissed and is accordingly dismissed. In the circumstances of the case, we make no orders as to costs and direct the parties to bear their own costs.


(T. CHANDRASEKHARA REDDY)
Member (Judicial)

Dated: 26 February, 1992

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Deputy Registrar (Judl.)

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TYPED BY
CHECKED BY

O.A. 33/90
COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR.~~

~~V.C.~~

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;
M(JUDL)

AND

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

DATED: 26/2/1992

ORDER/JUDGMENT:

~~R.A/C.A/ M.A.No.~~

in

O.A.No.

33/90 ✓

~~T.A.No.~~

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

O.A. Dismissed ✓

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No Order as to costs.

