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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.688/92 with MD 9512

DATE OF JUDGEMENT: 30.9.1991

BETWEEN

Smt Ponnamma

.. Applicant

AND

1. Secretary,
Min. of Personnel & Public
Grievances
New Delhi.

2. Air Chief Marshall,
Chief of the Air Staff,
Air HQs, Vayu Bhawan
New Delhi

3. Air Officer
Commanding-in-Chief,
HQs Training Command
Bangalore

4. The Commandant,
Air Force Academy,
Hyderabad

.. Respondents

Counsel for the Applicant :: Mr Praveen Kumar

Counsel for the Respondents: Mr NR Devraj, *Sr. CGSC*

CORAM:

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

T - C. n - P

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P. J. S. 28

JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY

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

This application is filed by the applicant herein under Section 19 of the Administrative Tribunals Act, seeking direction to the respondents to consider the case of the applicant and provide an appointment on compassionate grounds in Group 'D' category in the respondents' office and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. There is a delay of 4 years 2 months and 11 days in filing this OA. So, MA 945/92 is moved by Mr Praveen Kumar Counsel for the applicant on behalf of the applicant to condone the said delay in filing this OA. Today, we have heard Mr Praveen Kumar, Counsel for the applicant and Mr NR Devaraj Standing Counsel for the respondents.

3. A few admitted facts have got to be stated for the purpose of adjudicating this MA.

4. The applicant's husband one Sri SH Mathews died on 16.12.84 while he was in service in the respondent's ~~exds~~ organisation, leaving behind the applicant and two minor children. The material as Annexure VI to the OA discloses that by 11.11.91, that the applicant had a daughter ~~and~~ aged 16 years and son aged 14 years. The applicant submitted representations in the month of Dec '85, Aug '86 and Jan '87 to appoint her on compassionate grounds in any Group 'D' post. The said representations from the applicant were followed by a few more representations. On 20.5.87, the applicant was informed by the third respondent that her employment assistance, was considered thrice, but because of limited scope of appointment, her matter regarding employment assistance be treated as closed. It may be pointed out here, that after the

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applicant received the said orders from the third respondent, on 20.5.87, she did not move any judicial forum for appropriate relief.

5. The applicant again made a representation on 11.11.91 to the first respondent giving the list of widows who were appointed on compassionate grounds. Subsequent to her representation, on 29.11.91, the second respondent informed the applicant that, in accordance with the Govt. policy, employment under indigent circumstances will not be considered any further. Following this, the applicant seems to have sent representations to the Supreme Court and finally she has approached this Tribunal for the relief as already indicated above.

6. The MA is resisted by the respondents on the ground that there are no sufficient grounds to condone the delay of 4 years 2 months 11 days in filing the OA 688/92, on behalf of the applicant and it is the contention of the respondents that this MA is liable to be dismissed.

7. As already pointed out, final orders on the representation of the applicant were passed on 20.5.87, and the applicant was informed by the third respondent that the case of the applicant was considered thrice by the competent authority but because of limited scope of appointment, her matter regarding employment assistance be treated as closed. As could be seen, again on 11.11.91, the applicant had put in a representation to the first respondent to provide employment on compassionate grounds on par with similarly placed widows who were provided appointment on compassionate grounds. From 20.5.87, till 11.11.91, as already indicated, the applicant had not approached this Tribunal for the relief which she is now seeking. Absolutely, there is no explanation why from 20.5.87 onwards upto ~~xxx~~ ¹⁻¹⁻⁹¹ 11.11.91 ~~and~~ applicant had kept quiet. So, we see any amount of negligence and in-action on the part of the applicant. If the family of the deceased

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Mathews was in need of assistance by way of compassionate appointment, we do not think, that the applicant would have kept quiet for more than four years without moving her little finger in the matter. In view of the inaction and negligence on the part of the applicant, we are of the opinion that there are no sufficient grounds to condone the delay in filing this OA. As there is inaction and negligence on the part of the applicant, and in the absence of sufficient grounds in the MA for condoning the delay, the MA is liable to be dismissed and is accordingly dismissed.

8. As we have dismissed the MA, the OA is liable to be rejected and is accordingly rejected as barred by time. In the circumstances of the case, the parties shall bear their own costs.

T - U - 1
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: September 30 th, 1992 8/10/92
Dy. Registrar (J)

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Copy to:- And penning, Sandeep Bhawan,
 1. Secretary, Ministry of Personnel & Public Grievances, New Delhi.
 2. Air Chief Marshall, Chief of the Air Staff, Air Hqrs, Vayu Bhavan, New Delhi.
 3. Air Officer, Commanding-in-Chief, Hqrs Training Command, Bangalore.
 4. The Commandant, Air Force Academy, Hyderabad.
 5. One copy to Sri. Praveen Kumar, advocate, 3-4-835/2, Barkatpura, Hyd.
 6. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
 7. One spare copy.

Rsm/-

W.D.D.B.
10/10/92

① A-688792
RM
8/10/92

TYPED BY

COMPARED BY

CHECKED BY (W)

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: 23/3/1992

ORDER / JUDGMENT

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

in

O.A. No.

688792 and manus/92

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Allowed.

Central Administrative Tribunal

DESPATCH

Disposed of with directions 13 OCT 1992

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.

HYDERABAD BENCH

8/10/92