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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.427/1993.

(PER HON'BLE SHRI R. RANGARAJAN, MEMBER (A)

Date: SEPTEMBER 2, 1996.

Between:

Gondesi Venkata Ramana Murthy, .. Applicant.

and

1. The Chief of Naval Staff, Naval Headquarters, New Delhi.
2. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam 530 014.
3. The Admiral Superintendent, Naval Dock Yard, Visakhapatnam 530 014. Respondents.

Counsel for the Applicant: Sri M.P.Chandra Mouli.

Counsel for the Respondents: Sri V.Rajeswara Rao for Sri N.V.Ramana, Addl. Standing Counsel for Respondents.

CORAM:

HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE-CHAIRMAN, ALLAHABAD BENCH.

HON'BLE SHRI R.RANGARAJAN, Member (A)

O R D E R:

None for the applicant. Sri Rajeswara Rao for Sri N.V.Ramana, Additional Standing counsel for the Respondents.

2. The applicant is the son of Sri G.Koteswara Rao who died on 12-12-1979 while he was working as casual labourer in Visakhapatnam Dock Yard under Respondent No.3. Immediately after his death, the applicant's mother submitted a representation for compassionate ground appointment which was rejected by Letter No.PIR/2402/S1.38 dated 3rd June, 1988 by Respondent No.3.

3. This O.A., is filed praying for a direction to the Respondents for providing him compassionate ground appointment in view of his father having been brought on regular status with retrospective effect from 3-11-79 in terms of Order No. CEO N/170/90 dated 23rd July, 1990 (Ex.R-1).

4. Though the father of the applicant was initially working as a casual labourer from 3-7-1977 he has been conferred a regular status from 3rd November, 1979 by an Order dated 23-7-1990 (Ex.R-1). On conferring regular status by Ex.R-1 to the applicant's father, the applicant's mother submitted a fresh representation dated 30-7-1991 for compassionate ground appointment but that too was rejected by the impugned Order No. PIR/2402/GK dated September, 1991 on the ground that the late employee was holding a casual post at the time of his death.

5. The learned counsel for Respondents, Sri Rajeswara Rao submits that conferring of regular status on the father of the applicant by the Civilian Establishment Order dated 23-7-1991 is only to grant family pension and other financial benefits. That Order will not give him any benefit for compassionate ground appointment as the father of the applicant was deemed to be a casual labourer at the time of his death. The above submission pains us. There is no Rule or even executive instructions to show that regular status is conferred only for giving pensionary benefits but not for granting compassionate

ground appointment. Even the letter, Ex.R-2 does not confirm the above submission of the learned counsel for Respondents. Hence this contention is rejected.

6. The learned counsel for Respondents, Sri Rajeswara Rao submits that providing compassionate ground appointment is not a right but can only be considered. This proposition is well known to this Tribunal. Hence this contention has no meaning.

7. In the facts and circumstances of the case, we are of the opinion that the representation of the applicant's mother dated 30-7-1991 needs reconsideration by the Authorities in the light of the Civilian Establishment Order dated 23-7-1991 by which her husband was given regular status of an employee with retrospective effect from 3-11-1979. The reply given rejecting the applicant's mother's representation by letter No. PIR/2402/GK dated September 1991 has to be set aside and the respondents should reconsider the issue in the light of what is stated above.

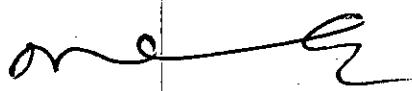
8. In the result the impugned letter PIR/2402/GK dated September, 1991 is set aside. Respondent No.3 is directed to reconsider the representation of the applicant's mother d/30-7-1991

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for compassionate ground appointment in the light of the observations made above. Time for compliance is three months from the date of receipt of this Order.

9. The O.A., is ordered accordingly.

No costs.



R. RANGARAJAN,
MEMBER (A)



B.C. SAKSENA, J
VICE-CHAIRMAN,
ALLAHABAD BENCH

Date: 2nd September, 1996.

Pronounced in open Court.



D.Y. Registrar (S)

SSS.

9/9/86

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

The hon'ble Justice Shri B.C. Saksena, v.c.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

21/9/86

ORDER JUDGEMENT
R.A./C.P./M.A. NO.

in
D.A. NO. 427193

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLRK

II COURT

