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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

O.A.686/95

Between:

Date of Order: 16.6.95.

1. Smt Koka Padmavathi
2. Koka Srinagesh

...Applicant.

And

1. The Secretary,
Ministry of Defence,
R & D Organisation,
New Delhi.
2. The Director General of Research
and Development, Directorate of
Personnel/RO/Pers-10, 'B' Wing,
Sena Bhavan, Ministry of Defence,
DHQ, PO, New Delhi - 110 011.
3. The Director, Govt. of India,
Ministry of Defence,
Research and Development Organisation,
Defence Electronics Research Laboratory,
(DERL), Hyderabad - 500 005.

...Respondents.

Counsel for the Applicants : Mr.P.Naveen Rao
Counsel for the Respondents : Mr.N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

contd...

DA 686/95.

Dt. of Order: 16-6-95.

(Order passed by Hon'ble Shri A.B.Gorthi, Member (A)).

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Heard learned counsel for both the parties. The prayer of the applicant No.1 Smt.K.Padmavathi is for appointing her son Sri Nagesh (applicant No.2) on compassionate grounds. It is stated in the O.A. that Sri K.Harish having served in the Respondents organisation for about 31 years died of lung cancer while in harness. The request made by the widow for giving compassionate appointment to her son Sri Nagesh has been turned down by the Respondents stating that the family was not facing indigent circumstances.

2. The Respondents in their reply affidavit have stated that on the death of the employee the family was given terminal benefits totalling to Rs.2,11,999/- as per details given in the page-2 of the counter. Family Pension of Rs.2,070/- including relief was also sanctioned. The Respondents contend that the elder son is employed and that the family now consists only of the widow and Srinagesh. Accordingly, they ^{stated} ~~said~~ that there was no justification to give appointment to Srinagesh on compassionate grounds.


3. Terminal benefits received by the family on the death of the employee cannot provide steady relief to the family but

ofcourse will take care of the immediate needs of the family. That the family was not in a very happy financial situation will be evident from the fact that when the applicant was suffering from lung cancer, his colleagues had come to his help by making donations towards his treatment. This would be evident from Annexure-II to the O.A. As regards the fact that the elder son of the family is employed, it is stated in the O.A. that he is working in a private firm earning a meagre salary, which is adequate to maintain his own wife and children. In this regard Sri P.Naveen Rao, counsel for the applicant has drawn my attention to Ministry of Home Affairs, Department of Personnel & Administrative Reforms OM dt.25-11-78. It clarifies that in deserving cases even when there is an earning member in the family, a son or daughter of a Government Servant, who dies in harness leaving the family in indigent circumstances may be considered for ^{compassionate} ~~the~~ appointment ~~to the posts~~. All such appointments can be made with the approval of the Ministry concerned. In the circumstances of the case, I deem it just and proper to dispose of this case at the admission stage itself with a direction that the case of the applicant be reconsidered at the level of Secretary, Ministry of Defence (Respondent No.1).

Accordingly the Respondent No.1 is directed to re-examine the matter within a period of three months from the date of communication of a copy of this order keeping in view the peculiar

facts and circumstances of the case.

4. The O.A. is ordered accordingly at the admission stage itself. No order as to costs.


(A.B. GORTHI)
Member (A)


DEPUTY REGISTRAR(J)

To

1. The Secretary, Ministry of Defence,
R & D Organisation, New Delhi.
2. The Director General of Research and Development,
Directorate of Personnel/RD/Pers-10, 'B' Wing,
Sena Bhavan, Ministry of Defence, DHQ, PO,
New Delhi - 110 011.
2. The Director, Govt. of India,
Ministry of Defence, Research and
Development Organisation,
Defence Electronics Research Laboratory,
DERL, Hyderabad - 500 005.
4. One copy to Mr.P.Naveen Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC,CAT,Hyderabad.
6. One copy to Library, CAT,Hyderabad.
7. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (J)

AND

THE HON'BLE SHRI A.B. GORTHY: MEMBER (A)

DATED 16.6.95

ORDER/JUDGMENT

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

in

O.A.NO. 686/95

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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