

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. NO.898 OF 1995

Between:

Shri A Sreenivas

...

Applicant

And

1. The Flag Officer Commanding-in-Chief
Eastern Naval Command
Visakhapatnam

2. The Admiral Superintendent
Naval Dockyard
Visakhapatnam

...

Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, Rear Admiral Prashant Kumar Sinha, son of Dr. B.K. Prasad aged about 54 years presently residing at Visakhapatnam do hereby solemnly affirm and sincerely state as follows :

1. I am working as Admiral Superintendent, Naval Dockyard, Visakhapatnam and Respondent No.2 herein and as such I am fully acquainted with all facts of the case. I am filing this Reply Statement on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied save those that are specifically admitted hereunder. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder.

2. The respondents submit the parawise comments of the case as follows :-

In reply to Para 6 of the O.A., the respondents submit as under :

(a) It is submitted that late Shri A. Varahalu was appointed as Continuous Casual USL w.e.f. 02 May 85 with Token No. 6623 while serving in the Dockyard in the same

(VAN Murthy)

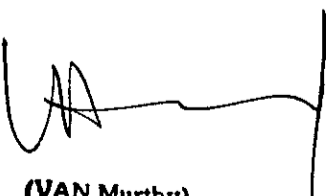
Sr. Administrative Officer

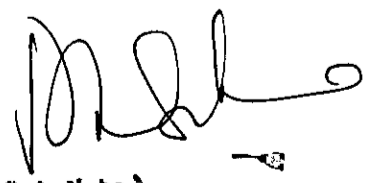
(P. S. N.)
Rear Admiral
Admiral Superintendent

capacity he was expired on 30 Apr 88 but not 01 Apr 88 as contended in O.A. He has served on Continuous Casual basis for a period of three years only but not 10 years as alleged by the applicant. The deceased employee had his wife, son and four daughters at the time of his death. It is true that Smt. A. Appalanarasamma wife of the deceased was paid a sum of Rs. 17,228/- towards terminal benefits and granted a sum of Rs. 399/- plus relief towards monthly pension.

(b) It is true that Smt. A. Appalanarasamma wife of the deceased had applied for Employment Assistance on 01 Aug 91. The representations mentioned in the O.A. stated to have forwarded requesting for Employment Assistance on compassionate grounds were not received. However, based on the individuals first application, it was referred to Mandal Revenue Officer for Civil verification and accordingly obtained the MRO Report as a formality to confirm the status of the family.

(c) It is also true that the applicant, who is son of the deceased was provided with daily wage labourer appointment on as required basis on humanitarian grounds not with an assurance that he would be considered for Employment Assistance on compassionate grounds. Since instructions have been received from the Naval Headquarters/Ministry of Defence not to consider any request for compassionate appointment to the wards of Continuous Casual employees vide NHQ letter CP(SC)6670 dated 27 Oct 93 ? a copy of which is filed herewith as Annexure R-I. On receipt of relevant Orders from Naval Headquarters only all the employees, whosever were earlier provided


(VAN Murthy)
Sr. Administrative Officer


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merriick rated employment were terminated and the applicant was one among them. Hence the contention of the applicant that nothing is done on his representation at the discretion of some one's whims and fancies is false and baseless.

It is submitted that in the latest judgement pronounced by the Hon'ble Supreme Court as reported in AIR 1994 SC 2148, LIC vs. Asha Ramachandra Ambekar and Another, it has been held that the court should endeavour to find out whether a particular case in which sympathetic considerations are to be weighed falls within the scope of law. Disregardful of law, however hard the case may be, it should never be done. The Supreme Court in yet another judgement as reported in (1994)4 SCC 138: UMESH KUMAR NAGPAL Vs. State of Haryana and others has also held that mere death of an employee in harness does not entitle his family to such source of livelihood. Consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread winner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

For the reasons stated above, the applicant has not made out any case either on fact, or on law and there is no merit in the O.A. It is, therefore prayed that the Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(P. S. S.)
 P. S. S. S.
 Dependent

29th

Solemnly sworn and signed his name on this day of
 September 1995 before me.

Attester

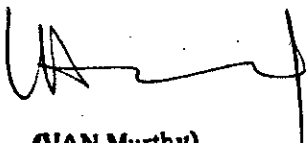
(VAN Murthy)
 Sr. Administrative Officer

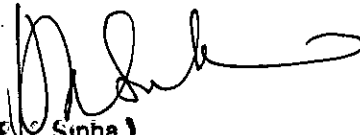
VERIFICATION

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I, Rear Admiral Prashant Kumar Sinha, son of Dr. B.K. Prasad, aged about 54 years, occupation Admiral Superintendent, Naval Dockyard, Visakhapatnam do hereby solemnly affirm and state that what is stated above based on official records and the facts are true to the best of my knowledge and belief. Hence, verified on this 29th day of September 1995 at Visakhapatnam.

Attested


(VAN Murthy)
Sr. Administrative Officer


(R.A. Sinha)
Rear Admiral
Admiral Superintendent
Deponent

Court Copy

In the C. A. T.
Mag Bench

OA 898/95

Reply statement

counter filed on
18/10/01
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Filed by:—