

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

Original Application No.200 of 1995

Dt. of Order: 16-4-96.

Between :-

K.Venkata Ramana

...Applicant

Vs.

1. Chief of the Naval Staff,
Naval Headquarters,
2. Flag Officer,
Commanding in Chief,
Eastern Naval Command,
Naval Base, Visakhapatnam.
3. The Admiral Superintendent
Naval Dockyard, Visakhapatnam.

...Respondents

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Counsel for the Applicant : Shri S.Kishore

Counsel for the Respondents : Shri N.V.Ramana, CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

(-- Hon'ble Shri R.Rangarajan, Member (A)).

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.. 2.

JUDGEMENT

The applicant in this O.A. is the son of one Sri Ramu Naidu who died on 2-5-91 while working as Sukhani under Respondent No.3. This O.A. is filed praying for a direction to the Respondent No.3 to appoint the applicant on compassionate grounds which was rejected by the impugned letter dt.16-1-95 on the ground that the the family of the applicant was getting a pension of Rs.1,053/- p.m. in addition to terminal benefits of Rs.87,997/- and also in view of the fact that the first son of deceased employee gainfully employed. It is further stated that there is no maintenance to be given to the daughters.

2. Before the rejection of the request for compassionate ground appointment, the applicant was engaged as a ~~xxxx~~ Narric Rated casual Labour during the May, 1992 to June, '95 with intermittent breaks. Hence it looks that the applicant was appointed on casual basis on the consideration that his father had put in long years of service under respondent No.3 and hence the applicant was given ~~some~~ some job even though it was on casual basis for providing some assistance to the ~~xx~~ family.

3. The Supreme Court had observed that financial position can be one of the criteria for deciding the issue of granting of compassionate ground appointment. In this case the applicant is getting a family pension of Rs.1,053/-. There is no other member for maintenance except the applicant and his mother. The learned counsel for the applicant submits that the terminal benefits received by the family to the extent

of Rs.87,997/- was spent for the marriage of his sister. Though the first son of the deceased is employed, he is of no use to the family and he is living separately. Hence the learned counsel for the applicant submits that he has to be given compassionate ground appointment. But in view of the rejection of his case for compassionate ground appointment on the basis of the affidavit of the applicant, I am of the opinion that no ~~any~~ further direction is necessary as the rejection of his prayer by the respondents is on cogent reasoning.

4. In view of the fact that the applicant was offered employment earlier, even if it is of casual nature, it will be of some assistance to the family, the applicant shall be engaged as Casual Labour as and when there is work in future in preference to the freshers from the open market. But his re-engagement in ~~pursuance of~~ this direction should not result in retrenchment of any casual labourer who are already in service. He has to be granted temporary status and subsequent regularisation in accordance with the law.

5. OA is ordered accordingly. There will be no order as to costs.

(R. RANGARAJAN)
Member (A)

Dated: 16th April, 1996.
Dictated in Open Court.

Amber ~~orange~~
Dy. Registrar (S)

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O.A.NO.200/95

COPY TO:

1. The Chief of Naval Staff,
Naval Head Quarters,
Sena Bhavan, New Delhi.
2. Flag Officer,
Commanding in Chief,
Eastern Naval Command,
Naval Base, Visakhapatnam.
3. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam.
4. One copy to Mr.S.Kishore, Advocate,
CAT, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC,
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLR

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16/5/96
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 16.4.96

ORDER/JUDGEMENT

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

IN

R.A. NO. 200/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

No Spare Copy

