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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Q.A.No.316/96

Date of Order: 21.6.96

BETWEEN:

- 1. Smt. Koka Padmavathi
- 2. Koka Sri Nagesh .. Applicants.

A N D

- 1. Union of India, rep. by
Secretary, Dept. of Research &
Development, Ministry of
Defence, Govt. of India,
New Delhi.
- 2. The Director,
Research and Development Organisation
Defence Electronics Research Laboratory,
Govt. of India, Ministry of Defence,
Chandrayanagutta,
Hyderabad - 500 005. .. Respondents.

Counsel for the Applicants .. Mr. K.S.R. Anjaneyulu

Counsel for the Respondents .. Mr. N.V. Ramana

CORAM:

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R. Rangarajan, member (Admn.) }

Heard Sri D. Subrahmanyam for Mr. K.S.R. Anjaneyulu,
learned counsel for the applicant and Mr. N.V. Ramana, learned
standing counsel for the respondents.

2. This is the third round of litigation in regard to
the compassionate ground appointment of the second applicant.

3. The husband of the first applicant while working in
Defence Electronics Research Laboratory died in September 1993.
The ^{first} applicant filed a representation for granting compassionate
ground appointment to her son Sri K. Sri Nagesh the 2nd applicant

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herein. That request was turned down by order No. DLRL/DOMS/413525/KKH, dated 20.5.94. Against this impugned order she filed OA. 686/95 which was disposed of at the admission stage itself observing that the case of compassionate ground appointment requires reconsideration as the family of the deceased is not placed in a "happy financial situation and also in view of the facts and circumstances of the case". A reconsideration was done by the authorities concerned and once again the request was turned down by the order No. DLRL/DOMS/413525/KKH, dated ~~11.9.95~~ 11.9.95 (A-5). Para-2 of this order is relevant. A perusal of this para clearly indicates that ~~it~~ ^{the order dated 11.9.95} is only a repetition of the earlier order dated 20.5.94. Thus one can easily come to the conclusion that this rejection has been done without applying mind. The applicant thereafter filed MA.814/95 in OA.686/95 which was disposed of by order dated 13.10.95. In this order ~~it was~~ ^{it was} once again emphasised that the earlier order dated 11.9.95 requires reconsideration ~~as~~ this order dated 11.9.95 has been issued without taking into account the various observations made by this Tribunal. In pursuance of the order in the MA the present impugned order was passed vide order No. DLRL/DOM/413525/KKH dated 2.1.96 (A-1).

4. This short impugned order once again repeats what is said in the earlier orders. It has not discussed any of the observations made by this Tribunal in earlier orders. Idea of giving directions to reconsider the case is to look into each and every contention of the applicant taking due note of the observations made by this Tribunal against each of these contentions and issue a speaking order explaining why such contentions are not relevant and is to be rejected. That said impugned order dated 2.1.96 in no way fulfils the obligation thrust on the respondents.

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5. The present OA is filed assailing the order dated 2.1.96 (A-1) and for a consequential directions to appoint the second son of the applicant on compassionate grounds.

6. A reply has been filed in this OA. Lr.No.PDHQ/DIRL/10/94/PERS-9 dated 15.9.95 is very relevant for the consideration and that letter is reported to have clinched the issue in regard to the compassionate ground appointment. Para 2, 3, 4 of the Annexure to Annexure-I is only a repetition of what is said earlier. Para-5 of this Annexure indicates the various contentions raised by the family and also the peculiar circumstances which warrant the reconsideration of this case for compassionate ground appointment. Points a-e of this para-5 are the main reasons advanced for grant of compassionate ground appointment. Though the respondents have very fairly jotted down the various contentions, reasons for rejecting these condition has not been elaborated atall. Para-7 of the annexure is the reason given for the rejection of the case. This para only states that the case has been re-examined and there appears to be no material change in the ground putforth by the individual. It does not appear to have taken note of the fact in regard to the spending away of Rs.1,15,193/- for clearing the debts. The rent for the rented house has to be paid from the family pension received by her. That will make a big ^{dent} ~~dent~~ in the family pension amount. Further ~~there~~ is no whisper in regard to the emphasis of the respondents ^{about} the fact that the first son is not helping the family. Mere repetition that the first son was employed and hence this case cannot be considered for compassionate ground appointment on account of that ~~is~~ no way to dispose of that contention. What is to be considered is whether the employment of the first son is any way helpful to the family or not. That point has not been adverted to atall in the annexed note. If the respondents require some

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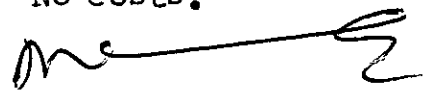
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information in regard to the usefulness of the first son of the family, the same could have been easily obtained from the applicant and the matter further decided. The statement that the second son of the applicant is major, aged 26 years and he is not a dependent on the mother is not at all a valid point for rejecting the compassionate ground appointment. R.A. has rejected the case only on the score that the first son is employed and ^{no consideration} seems to have been given to other contentions. Considering the above points I am of the opinion that this case once again requires reconsideration of facts by the respondents objectively and fairly. Each and every contentions made by the applicant has to be analysed and an independent conclusion has to be drawn on those points. This Tribunal has made some observations now and earlier also. Those observations should also be taken note of and analysed while disposing of ^{this case} ~~these facts~~.

7. In view of what is stated above I am of the view that a de-novo reconsideration in fair and objective manner is necessary to be done by the concerned Secretary of the department and the result there of should be advised to the applicant.

8. In the result, the Secretary R&D Organisation is directed to have a fresh look of this case de-novo on the contentions advanced by the applicant and the observations of this Tribunal as above and decide the issue objectively and fairly and give a detailed speaking order to the applicants herein.

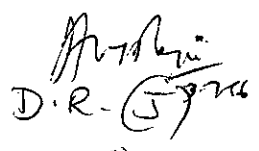
9. The OA is ordered accordingly. No costs.



(R. RANGARAJAN)
Member (Admn.)

Dated: 21st June, 1996

(Dictated in Open Court)



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O.A.NO,316/96

Copy to:

1. The Secretary, Dept. of Research & Development, Min. of Defence, Govt. of India, New Delhi.
2. The Director, Research And Development Organisation, Defence Electronics Research Laboratory, Govt. of India, Min. of Defence, Chandrayanagutta, Hyderabad.
3. One copy to Mr.K.S.R.Anjanayulu, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

YLKR

19/7/96 OA 316/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 21-6-96

ORDER/JUDGEMENT
O.A. NO./R.A/C.P.No.

in

O.A. NO. 316/96

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

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II COURT

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